



# राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

खण्ड : 50	शिमला, शनिवार, 28 सितम्बर, 2002/6 आश्विन, 1924	संख्या : 26
विषय सूची		
भाग-1	वैधानिक नियमों को छोड़कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि	1092—1099
भाग-2	वैधानिक नियमों को छोड़कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि	1099—1101
भाग-3	अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाईनैन्शियल कमिश्नर तथा कमिश्नर आफ इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि	1101—1106 तथा 1146—1151
भाग-4	स्थानीय स्वायत्त शासन, म्यूनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाऊन एरिया तथा पंचायती राज विभाग	—
भाग-5	वैयक्तिक अधिसूचनाएं और विज्ञापन	1106—1113
भाग-6	भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन	1114—1146
भाग-7	भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं	—
—	अनुपूरक	—

28 सितम्बर, 2002/6 आश्विन, 1924 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
संख्या टी0सी0पी0-एफ (5) 9/2002, दिनांक 17 अगस्त, 2002	नगर एवं ग्राम योजना विभाग	हिमाचल प्रदेश नगर एवं ग्राम योजना अधिनियम, 1977 (1977 का 12) के विनिर्देश दिनांक 17-8-2002 को जिला कुन्लू के मणिकरण क्षेत्र में प्रवृत्त होने वाले इसके अंग्रेजी पाठ सहित ।
No. SEC.16-18/96-VI-1538-44, dated 25th September. 2002	State Election Commission Himachal Pradesh.	Notifying the qualifying date for inclusion of name of eligible elector in the rolls for the conduct of bye-elections to vacant constituencies (wards) of the H. P. Panchayati Raj Institutions in H. P.

भाग-1 वैधानिक नियमों को छोड़कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

## हिमाचल प्रदेश हाई कोर्ट

### NOTIFICATIONS

*Shimla-1, the 4th September, 2002*

No. HHC/Admn. Esstt.3(127/75-II-19234).—The Hon'ble Chief Justice is pleased to sanction 30 days earned leave w.e.f. 1-4-2002 to 30-4-2002 and 119 days commuted leave on and w.e.f. 1-5-2002 to 27-8-2002 with permission to prefix holidays falling on 31-3-2002 in favour of Shri Shiv Dayal Sharma, Secretary of this High Court.

Certified that Shri Shiv Dayal Sharma Secretary has joined the same post and at the same station from where he had proceeded on leave after expiry of the above leave period.

Certified that Shri Shiv Daya! Sharma, Secretary would have continued to officiate the same post from where proceeded on leave.

*Shimla-1, the 5th September, 2002*

No. HHC/Admn. 6 (23)/74-XII-19289.—Hon'ble the Chief Justice in exercise of the powers vested in him under rule 1.26 of the H. P. Financial Rules, 1971, Volume-1, is pleased to declare the Senior Sub-Judge-cum-CJM, Kangra at Dharamshala as Drawing and Disbursing Officer in respect of the courts of Sub Judge-cum-ACJM(1) and Sub-Judge-cum-JMIC (2), Kangra and also the Controlling Officer for the purpose of T. A. etc. in respect of class-III and IV establishments attached to the aforesaid Court under head "2014—Administration of Justice" during the paternity leave period of Shri Rajeev Bali, Sub-Judge-cum-JMIC (2), Kangra; w.e.f. 28-8-2002 to 11-9-2002, or until he returns from leave.

*Shimla-1, the 5th September, 2002*

No. HHC/GAZ/14-237/99-19298.—Hon'ble the Chief Justice is pleased to grant 15 days paternity leave w.e.f. 28-8-2002 to 11-9-2002 in favour of Shri Rajeev Bali, Sub Judge-cum-JMIC (2), Kangra.

Certified that Shri Bali is likely to join the same post and at the same station from where the proceeds on leave.

Also certified that Shri Bali would have continued to hold the post of Sub Judge-cum-JMIC(2), Kangra, but for his proceeding on leave for the above period.

*Shimla-1, the 7th September, 2002*

No. HHC/GAZ/14-251/2001-19410.—Hon'ble the Chief Justice is pleased to grant 10 days earned leave w.e.f. 9-9-2002 to 18-9-2002 with permission to prefix Sunday falling on 8-9-2002 in favour of Shri Sureshwar Thakur, Addl. District and Sessions Judge, Mandi.

Certified that Shri Thakur is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri Thakur would have continued to hold the post of Additional District and Sessions Judge, Mandi, but for proceeding on leave for the above period.

*Shimla-1, the 10th/11th September, 2002*

No. HHC/GAZ/14-182/87-III-19645.—Hon'ble the Chief Justice is pleased to grant *ex post facto* sanction of 15 days earned leave w.e.f. 31-7-2002 to 14-8-2002 with permission to suffix gazetted holiday

falling on 15-8-2002 in favour of Shri Rattan Singh, Sub Judge-cum-Addl. CJM, Court No. 1, Palampur.

Certified that Shri Rattan Singh has joined the same post and at the same station from where he proceeded on leave, after expiry of the above period of leave.

Also certified that Shri Rattan Singh would have continued to hold the post of Sub Judge-cum-Addl. CJM, Court No. 1, Palampur, but for his proceeding on leave for the above period.

*Shimla-1, the 11th September, 2002*

No. HHC/GAZ/14-74/76-IV-19654.—Hon'ble the Chief Justice is pleased to grant 10 days earned leave with effect from 16-9-2002 to 25-9-2002 with permission to prefix Second Saturday and Sunday falling on 14th and 15th September, 2002 in favour of Shri D. D. Sharma, District and Sessions Judge, Kinnaur at Rampur Bushahr.

Certified that Shri Sharma is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri Sharma would have continued to hold the post of District and Sessions Judge, Kinnaur at Rampur Bushahr, but for his proceeding on leave for the above period.

*Shimla-1, the 12th September, 2002*

No. HHC/Admn. Esstt./3 (44) 74-I-19714.—The Hon'ble Chief Justice is pleased to sanction *ex-post-facto* 9 days earned leave on and with effect from 28-8-2002 to 5-9-2002 in favour of Shri Ravi Kant Sood, Secretary of this Court.

Certified that Shri Ravi Kant Sood, Secretary has joined the same post and at the same station from where he had proceeded on leave after expiry of the above leave period.

Certified that Shri Ravi Kant Sood, Secretary would have continued to officiate the same post from where he proceeded on leave.

By order,  
Sd/  
Registrar General.

*Shimla-1, the 12th September, 2002*

No. HHC/GAZ/14-52, 74-V-19720-19745.—The Hon'ble the Chief Justice and Hon'ble Judges of the High Court of Himachal Pradesh are pleased to order the following transfers and postings in the public interest with immediate effect:—

Sl. No.	Name of Officer	Present Place of posting	Transferred to
1	2	3	4
1.	Shri J. N. Yadav, Sub Judge-cum-Addl. C.J.M.	Una (1).	Sub Judge-cum-Additional Chief Judicial Magistrate (I), Kangra (H.P.) against a vacant post.
2.	Shri Rajeev Bhardwaj, Sub Judge-cum-Addl. C.J.M.	Una (2)	Sub Judge-cum-Additional Chief Judicial Magistrate (I), Una,



1	2	3	4
			vice Sl. No. 1 above.
3.	Shri Aman Sood, Sub Judge-cum-JMIC.	Shimla (4)	Sub Judge-cum-JMIC, Kanda-ghat, Distt. Solan, against a vacant post.
4.	Shri Jia Lal, Sub Judge-cum-JMIC.	Shimla (5)	Sub Judge-cum-JMIC, Jubbal, Distt. Shimla, against a vacant post.
5.	Shri Vivek Sharma.	New Officer	Sub Judge-cum-JM (4), Shimla, vice Sl. No. 3 above.
6.	Shri Gaurav Mahajan.	New Officer	Sub Judge-cum-JM (5), Shimla, vice Sl. No. 4 above.
7.	Shri Ranjit Singh.	New Officer	Sub Judge-cum-JM, Nahan, against a vacant post.
8.	Ms. Kanta Verma.	New Officer	Sub Judge-cum-JM (2), Una, vice Sl. No. 2 above.
9.	Shri Naresh Kumar.	New Officer	Sub Judge-cum-JM, Chamba against a vacant post.

By order,  
Sd/-  
Registrar Vigilance.

Shimla-1, the 12th/13th September, 2002

No. HHC/Admn.6(22)/74-VIII-19921.—The High Court of Himachal Pradesh, in exercise of the powers vested u/s 9(5) of the Code of Criminal Procedure, 1973, is pleased to authorise the Senior Sub Judge-cum-Chief Judicial Magistrate, Kinnaur at Reckong Peo to entertain and dispose of any urgent work, which is or may be made on pending before the Court of District and Sessions Judge, Kinnaur at Rampur Bushahr, during the leave period of Shri D. D. Sharma, District and Sessions Judge, Kinnaur at Rampur Bushahr, w.e.f. 16-9-2002 to 25-9-2002 with permission to prefix Second Saturday and Sunday falling on 14th and 15th September, 2002, or until Shri D. D. Sharma returns from leave.

Shimla-1, the 12th/13th September, 2002

No. HHC/Admn. 6(23)/74-XII-19810.—Hon'ble the Chief Justice in exercise of the powers vested in him under rule 1.26 of the H. P. Financial Rules, 1971, Volume-I, is pleased to declare the Sub Judge-cum-ACJM (1), Hamirpur as Drawing and Disbursing Officer in respect of the Court of Sub Judge-cum-JMIC (II), Hamirpur and also the Controlling Officer for the purpose of T. A. etc. in respect of class III and IV establishment attached to the aforesaid Court under Head "2014—Administration of Justice" during the leave period of Smt. Aparna Sharma Sub Judge-cum-JMIC (II), Hamirpur, w. e. f. 16-9-2002 to 28-9-2002 with permission to prefix Second Saturday and Sunday falling on 14th and 15th September, 2002 or until she returns from leave.

Shimla-1, the 12th/13th September, 2002

No. HHC/GAZ/14-249/2000-19801. —Hon'ble the Chief Justice is pleased to grant 13 days earned leave w. e. f.

16-9-2002 to 28-9-2002 with permission to prefix Second Saturday and Sunday falling on 14th and 15th September, 2002 in favour of Smt. Aparna Sharma, Sub Judge-cum-JMIC (II), Hamirpur.

Certified that Smt. Aparna Sharma, Sub Judge-cum-JMIC (II), Hamirpur is likely to join the same post and at the same station from where she proceeds on leave, after expiry of the above period of leave.

Also certified that Smt. Aparna Sharma would have continued to hold the post of Sub Judge-cum-JMIC (II), Hamirpur, but for her proceeding on leave for the above period of leave.

Shimla-1, the 13th/17th September, 2002

No. HHC/GAZ/14-196/89-I-20018.—Hon'ble the Chief Justice is pleased to grant *ex-post-facto* sanction of 5 days commuted leave w. e. f. 27-8-2002 to 31-8-2002 with permission to suffix Sunday falling on 1-9-2002 in favour of Shri K. K. Sharma, Additional CJM-cum-SIIC, Jogindernagar.

Certified that Shri Sharma has joined the same post and at the same station from where he proceeded on leave, after expiry of the above period of leave.

Also certified that Shri Sharma would have continued to hold the post of Additional CJM-cum-SIIC, Jogindernagar, but for his proceeding on leave for the above period of leave.

Shimla, the 13/19th September, 2002

No. HHC/Admn. 16 (21) 75-II-20221.—Hon'ble the Chief Justice in exercise of the powers vested in him u/s 139 (b) of the Code of Civil Procedure, 1908, u/s 297(b) of the Code of Criminal Procedure, 1973 and Rule 4 (iv) of the H. P. Oath Commissioners (Appointment and Control) Rules, 1996 is pleased to appoint Ms. Richa Sharma, Advocate, of H. P. High Court as Oath Commissioner for High Court with effect from 21-9-2002 for a period of two years for administering oaths and affirmations on affidavits to the deponents under the aforesaid Codes and Rules.

Shimla, the 17th September, 2002

No. HHC/GAZ/14-138/82-I-20074 —Hon'ble the Chief Justice is pleased to grant 12 days earned leave w. e. f. 30-9-2002 to 11-10-2002 with permission to prefix Sunday falling on 29-9-2002 and to suffix Second Saturday, Sunday and Dussehra holidays falling on and w. e. f. 12-10-2002 to 20-10-2002 in favour of Shri R. L. Azad, Senior Sub Judge-cum-CJM, Kangra at Dharamshala.

Certified that Shri Azad is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri Azad would have continued to hold the post of Senior Sub Judge-cum-CJM, Kangra at Dharamshala, but for his proceeding on leave for the above period.

Shimla-1, the 17th September, 2002

No. HHC/GAZ/14-132/82-II-20082.—Hon'ble the Chief Justice is pleased to order the cancellation of 3 days earned leave w. e. f. 2-5-2002 to 4-5-2002 sanctioned *vide* this Registry notification of even number, dated 30/1-5-2002, in favour of Shri R. K. Mittal, Senior Sub-Judge-cum-Chief Judicial Magistrate, Kangra at Dharamshala.

Shimla, the 17th September, 2002

No. HHC/GAZ/14-192/88-I-20064. —Hon'ble the Chief Justice is pleased to grant *ex post facto* sanction

of 76 days commuted leave w. e. f. 17-6-2002 to 31-8-2002 with permission to prefix Sunday falling on 1-9-2002 in favour of Shri Purennder Vaidya, Sub Judge-cum-Addl. CJM, Ghumarwin.

Certified that Shri Vaidya has joined the same post and at the same station from where he proceeded on leave, after expiry of the above period of leave.

Also certified that Shri Vaidya would have continued to hold the post of Sub Judge-cum-Addl CJM, Ghumarwin, but for his proceeding on leave for the above period.

Shimla, the 17th September, 2002

No. HHC/Admn.-6(23)/74-XII-20093.—Hon'ble the Chief Justice in exercise of the powers vested in him under rule 1.26 of H. P. Financial Rules, 1971, Volume-I is pleased to declare the Sub Judge-cum-JMIC (1), Dharamshala, as Drawing and Disbursing Officer in respect of the Court of Senior Senior Sub Judge-cum-CJM, Dharamshala and also the Controlling Officer for the purpose of T.A. etc. in respect of Class II, III and IV establishment attached to the aforesaid court under head "2014—Administration of Justice" during the leave period of Shri R. L. Azad, Senior Sub Judge-cum-CJM, Dharamshala w. e. f. 30-9-2002 to 11-10-2002 with permission to prefix Sunday falling on 29-9-2002 and to suffix second Saturday, Sunday and Dussehra holidays falling on and w. e. f. 12-10-2002 to 20-10-2002, or until he returns from leave.

Shimla, the 17th September, 2002

No. HHC/GAZ/14-154/83-I-20050.—Hon'ble the Chief Justice is pleased to grant *ex post facto* sanction of 21 days earned leave w. e. f. 14-8-2002 to 3-9-2002 in favour of Shri L. R. Sharma, Sub Judge-cum-ACJM (1), Rohru.

Certified that Shri Sharma has joined the same post and at the same station from where he proceeded on leave after expiry of the above period of leave.

Also certified that Shri Sharma would have continued to hold the post of Sub Judge-cum-ACJM (1), Rohru, but for his proceeding on leave for the above period.

Shimla, the 18th/19th September, 2002

No. HHC/Admn. 16 (20) 75-I-20201.—Hon'ble the Chief Justice in exercise of the powers vested in him u/s 139 (b) of the Code of Civil Procedure, 1908, u/s 297 (b) of the Code of Criminal Procedure, 1973 and Rule 4 (iv) of the H. P. Oath Commissioners (Appointment and Control) Rules, 1996 is pleased to appoint Shri Rattan Chauhan, and and Ms Monika Kaundal Advocates, Bilaspur as Oath Commissioner at Bilaspur for a period of two years with effect from 16-9-2002 and 12-10-2002 respectively, for administering oaths and affirmations on affidavits to the deponents under the aforesaid Codes and Rules.

Shimla-1, the 18/19th September, 2002

No. HHC/Admn. 6 (24) 74-Part-20213.—The High Court of Himachal Pradesh, in exercise of the powers vested u/s 12 (2) of the Code of Criminal Procedure, 1973 is pleased to appoint the Sub Judge-cum-JMIC (1), Dharamshala, as Additional Chief Judicial Magistrate for Kangra district for the disposal of urgent work pertaining to the Court of Senior Sub Judge-cum-CJM, Kangra at Dharamshala during the leave period of Shri R. L. Azad, Senior Sub Judge-cum-CJM, Kangra at Dharamshala w. e. f. 30-9-2002 to 11-10-2002 with permission to prefix Sunday falling on 29-9-2002 and to suffix Second Saturday, Sunday and Dussehra holidays falling on and w. e. f. 12-10-2002 to 20-10-2002 or until he returns from leave.

By order,  
Sd/  
Registrar General.

## हिमाचल प्रदेश सरकार

### IRRIGATION AND PUBLIC HEALTH DEPARTMENT

#### NOTIFICATIONS

Shimla-2, the 6th September, 2001

No. IPH (A) 2 (B) 8-1/2001.—The Governor, Himachal Pradesh is pleased to order the posting/transfer of the following assistant Engineers in I&PH Department, with immediate effect, in the public interest:—

Sl. No.	Name of Officer	From	To
<i>S/Shri:</i>			
1.	Anand Swaroop	On promotion	S/Div. Killar vice Shri Bhim Singh, A. E.
2.	D. D. Misra	On promotion	S/Divn. Tikkar (Rohru) against vacancy.
3.	S. P. Sharma	On promotion	S/Divn. Rohru against vacancy.
4.	Sushil Sangrai	On promotion	S/Divn. I. Chamba against vacancy.
5.	K. K. Kapoor	On promotion	S/Divn. D/ Shala against vacancy.
6.	Bhim Singh	On promotion	S/Divn. Ghana-hatti vice Shri H. R. Sharma, A. E.
7.	Kartar Singh	On promotion	S/Divn. Nerwa against vacancy.
8.	N. P. Parmar	On promotion	S/Divn. Kar-sog, against vacancy.
9.	K. S. Bhatia	On promotion	A. E. (D) S N P Fategpur against vacancy.
10.	Ranjit Singh	On promotion	S/Divn. against vacancy.
11.	R. K. Sharma	On Promotion	S/Divn. Gagret vice Shri C. R. Patial, A. E.
12.	Hira Lal	On promotion	S/Divn. Yang-thang against vacancy.
13.	Pyre Lal	On promotion	S/Divn. Abka against vacancy.
14.	Puran Chand	On promotion	S/D Gumma under IPH., Divn., Jubbal against vacancy.
15.	Sushil Kumar	On promotion	AE to Executive Engineer, IPH Division.

1	2	3	4	1	2	3	4																								
			Nahan, against vacancy.	34.	Pyush Dogra	On Promotion	A. E. (D) HQ, Shimla against vacancy.																								
16.	Shanker Dutt Sharma	On promotion	S/D Kumar-sain against vacancy.	35.	S. S. Patial	On promotion	S/Divn. Haripur-dhar against vacancy.																								
17.	Rajinder Kumar	On promotion	S/Divn. Gug-lara against vacancy.	36.	Chadu Ram Patial	S/Divn. Gagret	S/Divn. Kalol against vacancy.																								
18.	Ashok Kuma Jain	On promotion	S/Divn. Sangra-h against vacancy.	37.	Jagdish Ram Verma.	W. S. S. S/Divn. P. V. Shimla	A. E. (S. P.) H. Q. Shimla against vacancy.																								
19.	P.D. Saini	On promotion	W SS S/Divn.-IV Shimla vice Sh Jagdish Ram, AE.	38.	H. R. Sharma	S/Divn. Ghanaatti	R. D. D. Sundernagar against vacancy.																								
20.	C.S. Pathania	On promotion	S/Divn. Nir-mand against vacancy.	39.	Vijay Kumar Gupta.	S/Divn. Keylong	A. E. (D) H Q. Shimla against vacancy.																								
21.	Shakti Chand	On promotion	EO, IPH Circle, Hamirpur against vacancy	40.	Bhim Singh Thakur	S/Divn. Killar	AE to EE Kullu against vacancy.																								
22.	M. I. Gupta	On promotion	S/Divn. Kot-garh against vacancy.	41.	R. N. Thakur	S/Divn. Anni	EO IPH Circle Kullu against vacancy.																								
23.	Nikka Ram Verma	On promotion	S/Divn. Chattri against vacancy.	42.	S. N. Modgil	S/D Sainj	S/Div. Kupvi against vacancy.																								
24.	Man Chand	On promotion	S/Divn. Mastgarh against vacancy.	<p>These orders will take effect immediately and the respective controlling officers will relieve them to join their new assignments forthwith.</p> <p style="text-align: right;">By order.</p> <p style="text-align: right;">KR. SHAMSHER SINGH, F. C.-cum-Secretary.</p> <p style="text-align: center;">Shimla-2, the 9th January, 2002</p> <p>No. IPH-A-2B (8)-1/2000.—The Governor, Himachal Pradesh is pleased to order the posting/transfer of the following Executive Engineers (IPH) as under with immediate effect, in the public interest ;—</p> <table border="1"> <thead> <tr> <th>Sl. No.</th><th>Name of E E</th><th>From</th><th>To</th></tr> </thead> <tbody> <tr> <td colspan="4">S/Shri :</td></tr> <tr> <td>1.</td><td>Mehar Singh Thakur</td><td>On promotion</td><td>IPH Divn. Rohroo against vacancy.</td></tr> <tr> <td>2.</td><td>Raj Kumar Gupta</td><td>-do-</td><td>EE (D) o/o CE (N) IPH, Dharmshala</td></tr> <tr> <td>3.</td><td>Chattar Singh</td><td>-do-</td><td>IPH Divn. Kaza against vacancy.</td></tr> <tr> <td>4.</td><td>Uttam Chand Soni</td><td>-do-</td><td>EE (D) IPH Circle Hamirpur against vacancy.</td></tr> </tbody> </table>				Sl. No.	Name of E E	From	To	S/Shri :				1.	Mehar Singh Thakur	On promotion	IPH Divn. Rohroo against vacancy.	2.	Raj Kumar Gupta	-do-	EE (D) o/o CE (N) IPH, Dharmshala	3.	Chattar Singh	-do-	IPH Divn. Kaza against vacancy.	4.	Uttam Chand Soni	-do-	EE (D) IPH Circle Hamirpur against vacancy.
Sl. No.	Name of E E	From	To																												
S/Shri :																															
1.	Mehar Singh Thakur	On promotion	IPH Divn. Rohroo against vacancy.																												
2.	Raj Kumar Gupta	-do-	EE (D) o/o CE (N) IPH, Dharmshala																												
3.	Chattar Singh	-do-	IPH Divn. Kaza against vacancy.																												
4.	Uttam Chand Soni	-do-	EE (D) IPH Circle Hamirpur against vacancy.																												
25.	Purshotam Lal	On promotion	S/Divn. Anni vice Sh R.N. Thakur.																												
26.	Purshotam Chand	On promotion	S/Divn. Sihunta against vacancy.																												
27.	Dhani Ram Verma	On promotion	S/Divn. Chirgaon against vacancy.																												
28.	S.S. Diwedi	On promotion	S/Divn. Shillai against vacancy.																												
29.	Mani Ram Thakur.	On promotion	S/Divn. Chopal against vacancy.																												
30.	Madan Lal	On promotion	A. E. to Executive Engineer, I. P. H. Divn. Barsar against vacancy.																												
31.	Arvind Sood	On promotion	I. P. H. H. Q. Shimla as A. E. (Design) against vacancy.																												
32.	Raj Kumar	On Promotion	S/Divn. Kelong vice Shri V. K. Gupta.																												
33.	Sukhdev Sharma	On Promotion	S/Divn. Sainj vice Shri S. N. Modgil.																												

1	2	3	4	1	2	3	4
5.	Dharminder Gill	-do-	EE (D) IPH HQ Shimla against vacancy.	3.	Amrit Lal Bassi A. E. (Mech.) T/Well. Sub- Division Baddi.	28-2-1944	28-2-2002
6.	Laxman Singh Thakur	-do-	EE (D) SNP. Fatehpur against vacancy.	4.	Varinder Singh Mando- tra A. E. I&PH Circle Dharamshala.	11-4-1944	30-4-2002
7.	D. K. Negi	-do-	EE (D) IPH HQ Shimla vice Shri S. L. Dhap.	5.	Ramesh Kumar Sharma AE S. N. Const. Sub- Division, Shimla-5.	11-5-1944	31-5-2002
8.	S. L. Dhap	EE (D) IPH HQ Shimla.	EE (D) IPH Circle, Shimla against vacancy.	6.	Tilak Raj Gupta, AE, T/ Well Sub- Division, Nalagarh.	15-5-1944	31-5-2002
9.	D. K. Bhardwaj	on promotion	EE IPH Divn. Ani against vacancy.	7.	Suriander Pal Minhas, EO, IPH Circle Una.	15-6-1944	30-6-2002
10.	Sunil Kanotra	-do-	EE (D) IPH HQ Shimla against vacancy.	8.	Kuldeep Kumar Sood. AE I&PH Sub-Divn. Daroh.	3-8-1944	31-8-2002
11.	Krishan Lal Thakur	-do-	EE (D) IPH Circle Nahan against vacancy.	9.	K. K. Verma, AE (D) I&PH Circle, Kullu.	6-8-1944	31-8-2002
				10.	S. S. Kalra, AE I&PH Sub-Division Indora.	23-8-1944	31-8-2002
				11.	Ravinder Nath Thakur, EO I&PH Circle, Kullu.	18-9-1944	30-9-2002
				12.	Surinder Paul Goel. AE (I&PH) Sub-Division Nohradhar.	20-10-1944	31-10-2002
				13.	Uttam Chand Soni AE, (Now EE).	27-10-1944	31-10-2002
				14.	Dharam Singh Prasher, AE I&PH Circle, Sunder nagar.	17-11-1944	30-11-2002
				15.	Brij Bhushan Aggarwal, AE I&PH Sub-Division Patlion, (Paonta).	13-12-1944	31-12-2002
				16.	Keshri Lal, AE I&PH Sub-Division Chadhar.	13-12-1944	31-12-2002

The above officers will submit their charge reports to this department immediately. In case the newly promoted Executive Engineer fails to join their duties at their place of posting within 15 days, their promotion orders will be withdrawn.

Shimla-2, the 10th January, 2002

No. IPH-A-2 (B)6-4/2000-Part-II.—The Governor, Himachal Pradesh, is pleased to order the transfer of Shri Hem Chand Verma, Assistant Engineer from IPH Division Mandi, o/o C. E. Central Zone Mandi against vacant post with immediate effect in public interest.

The above officer will submit his charge report of relinquishment and assumption to this department immediately.

Shimla-2 the 11th January 2002

IPH-A-2B (15)-6/97.—The Governor, Himachal Pradesh is pleased to order that the following Assistant Engineers in I&PH Department Himachal Pradesh on attaining the age of superannuation will retire from Government service w. e. f. the dates shown against each:—

Sl. No.	Name of officers	Date of Birth	Date of retirement
1	2	3	4
S/Shri :			
1.	Ram Singh AE (Dev.), Bangana.	4-1-1944	31-1-2002
2.	Hari Ram Sharma AE (Mech.) I & PH Sub- Division Churag.	12-1-1944	31-1-2002

By order,  
Sd/-  
FC.-Cum-Secretary.

Shimla-2, the 11th February, 2002

No. PWC (IPH) 5 (2) 1/84-I.—In partial modification of this Department Notification of even number, dated 17-11-2001, the Governor, Himachal Pradesh after considering the recommendations of the Screening Committee is pleased to order that the Committee will now consider the requirement and purchase of G. I., D. I. & C. I. pipes only for use in the Irrigation & Public Health Department and will screen the supply orders of these pipes before these are placed on the firms selected by it. However, the purchase of H. D. P. E., R. C. C. & A. C. pipes will be made by the respective Chief Engineers up to Rs 50.00 lacs per annum and the requirement of such pipes in which more amount is involved will be screened by the Screening Committee.

The Governor, Himachal Pradesh is further pleased to order that the purchase of M. S. E. R. W. pipes will continue to be made as per enhanced powers delegated to the officers of IPH Department vide Finance Department notification dated 15-11-1996.

By order,  
AVAY SUKHLA,  
F. C.-Cum-Secretary

Shimla-2, the 22nd February, 2002

No. IPH (A) B (2)-1/94.—The Governor, Himachal Pradesh, is pleased to order that the following Superintendents Grade-I of the I&PH Department shall retire from

Government service w. e. f. the dates shown against their names on attaining the age of superannuation;—

Sl. No.	Name & Present place of posting	Date of retirement
1.	Shri Sohan Lal, o/o the Chief Engineer (N) Dharamshala.	31-10-2002 (A. N. )
2.	Shri Mahander Kumar Sharma o/o the Engineering-in-Chief, I&PH, Shimla-1.	31-12-2002 (A. N.)

Shimla-2, the 23rd March, 2002

No. IPH (A) B (5)-9/2002.—The Governor, Himachal Pradesh is pleased to order that Shri Hirdu Ram, Superintendent Grade-I, of I&PH Department shall retire from Government service w.e.f. 30-4-2002 (A. N. ) on attaining the age of superannuation.

Shimla-2, the 28th March, 2002

No. IPH (A) B (2)-1/94.—In continuation of this Department Notification number dated 26-6-2001 and in supersession to this Department letter of even number dated 22-10-2001 the Governor, Himachal Pradesh is pleased to allow the officiating allowance to Shri Mahander Kumar Sharma, Superintendent, Grade-I under the provision to FR-49(i) subject to the restrictions of officiating pay under GOI. order (2) of FR-35 for holding the additional charge of Registrar, IPH in addition to his own duties w. e. f. 1-9-2001.

By order,  
Sd/-  
F. C.-Cum-Secretary.

सिचाई एवं जन स्वास्थ्य विभाग

अधिसूचनाएं

शिमला-2, 17 सितम्बर, 2002

संख्या सिचाई 11-93/2002-बिलासपुर.—यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार द्वारा सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः गांव तलवाड़ा, तहसील घुमारवीं, जिला बिलासपुर में उठाऊ सिचाई योजना तलवाड़ा पम्प हाऊस के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हैं या हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने और उस धारा द्वारा अपेक्षित अथवा अनुमत सभी अन्य कार्यों को करने के लिए पूर्ण प्राधिकार देते हैं।

4. कोई भी हितवद्ध व्यक्ति, जिसे उक्त परिक्षेत्र में कथित भूमि के अर्जन पर कोई आपत्ति हो तो वह इस अधिसूचना के प्रकाशित होने के 30 दिनों की अवधि के भीतर निश्चित रूप में भू-अर्जन समाह्वती, मण्डी, हिमाचल प्रदेश, लोक निर्माण विभाग के समक्ष अपनी आपत्ति दायर कर सकता है।

विस्तृत विवरणी

जिला : बिलासपुर	तहसील : घुमारवीं	क्षेत्र	क्षेत्र
गांव	खसरा नं०	बीघा	विव्सा
तलवाड़ा	111	5	16
	444/89	10	12
किता . . . 2		16	08

शिमला-2, 17 सितम्बर, 2002

संख्या सिचाई 11-31/2002-कांगड़ा.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन के लिए नामतः गांव राजगीर, तहसील इन्दौरा, जिला कांगड़ा में शाहनहर परियोजना के निर्माण के लिए भूमि ली जानी अपेक्षित है, अतएव एतद्वारा यह घोषित किया जाता है कि निम्नलिखित विस्तृत विवरणी में वर्णित भूमि उपर्युक्त प्रयोजन के लिए अपेक्षित है।

2. भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन सभी सम्बन्धित व्यक्तियों की सूचना के लिए घोषणा की जाती है तथा उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन समाह्वती, भू-अर्जन, शाहनहर परियोजना फतेहपुर को उक्त भूमि के अर्जन के लिए आदेश देने का एतद्वारा निर्देश दिया जाता है।

3. भूमि का रेखांक समाह्वती, भू-अर्जन, शाहनहर परियोजना फतेहपुर के कार्यालय में निरीक्षण किया जा सकता है।

विस्तृत विवरणी

जिला : कांगड़ा	तहसील : इन्दौरा	क्षेत्र	क्षेत्र
गांव	खसरा नं०	(हैक्टेयरों में)	
1	2	3	
राजगीर	599/1	0 35	66
	600/1	0 54	40
	610/1	0 04	50
	613/2	0 13	00
किता . . . 4		1 07	56

शिमला-2, 17 सितम्बर, 2002

संख्या सिचाई 11-91/2002-ऊना.—यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार द्वारा सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः गांव बड़ाला, तहसील ऊना, जिला ऊना में पेयजल योजना बड़ाला पम्प हाऊस के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हैं या हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने और उस धारा द्वारा अपेक्षित अथवा अनुमत सभी अन्य कार्यों को करने के लिए पूर्ण प्राधिकार देते हैं।

4. कोई भी हितवद्ध व्यक्ति, जिसे उक्त परिक्षेत्र में कथित भूमि के अर्जन पर कोई आपत्ति हो, तो वह इस अधिसूचना के प्रकाशित होने के तीस दिनों की अवधि के भीतर निश्चित रूप में भू-अर्जन समाह्वती, कांगड़ा, हिमाचल प्रदेश लोक निर्माण विभाग के समक्ष अपनी आपत्ति दायर कर सकता है।

विस्तृत विवरणी

जिला : ऊना	तहसील : ऊना	क्षेत्र	क्षेत्र
गांव	खसरा नं०	(हैक्टेयरों में)	
बड़ाला	2257/1	0 01	94

आदेश द्वारा,  
हस्ताक्षरित/  
सचिव।

## बहुउद्देशीय परियोजनाएं एवं विद्युत् विभाग

## अधिसूचनाएं

शिमला-2, 12 सितम्बर, 2002

संख्या विद्युत-छ-(5) 63/2001.—यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि नेशनल हाईड्रोइलेक्ट्रिक पावर कारपोरेशन (एन०एच०पी०सी०) जो कि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी० सी०) के अन्तर्गत केन्द्रीय सरकार के स्वामित्व और नियन्त्रण के अधीन एक निगम है, के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन नामतः फाटी सोसन, कोठी कनावर, तहसील व जिला कुल्लू में पार्वती जल विद्युत परियोजना के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है। अतएव एतद्द्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. भूमि अर्जन अधिनियम की धारा 6 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों की सूचना के लिए यह घोषणा की जाती है और उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन भू-अर्जन अधिकारी, कुल्लू को उक्त भूमि के अर्जन के लिए आदेश लेने का एतद्द्वारा निर्देश दिया जाता है।

3. इसके अतिरिक्त, उक्त अधिनियम की धारा 17 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश के राज्यपाल यह निर्देश देते हैं कि अत्यावश्यक मामला होने के कारण भू-अर्जन अधिकारी, कुल्लू उक्त अधिनियम की धारा 9 की उप-धारा (1) के अधीन सूचना के प्रकाशन से 15 दिन की अवधि समाप्त होने पर पंचाट देने से पूर्व आकृष्ट एवं कृषि भूमि का कब्जा ले सकते हैं।

4. भूमि के रेखांक का निरीक्षण भू-अर्जन समारहर्ता [उप-मण्डलाधिकारी (नागरिक)], कुल्लू, जिला कुल्लू, हिमाचल प्रदेश के कार्यालय में किया जा सकता है।

## विवरणी

जिला : कुल्लू

तहसील : कुल्लू

गांव	खसरा नं०	रकबा (बीघों में)
फाटी सोसन	744	0 03 00
कोठी कनावर	745	0 02 00
किता . . 2		0 05 00

शिमला, 10 सितम्बर, 2002

संख्या विद्युत-छ-(5) 57/2001.—यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश राज्य विद्युत बोर्ड जोकि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी० सी०) के अन्तर्गत सरकार के स्वामित्व और नियन्त्रण के अधीन एक निगम है, के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन हेतु नामतः मुहाल कनैड़, छातर, जुगाहण, भरजवाणू, कलीहड़, डोहड़, देरड़, थला, धार, तलसाई, कुराड़ा, बहलग, जडाल, चहड़ी, गमोह, सरोसी तथा अलमू, तहसील सुन्दरनगर, जिला मण्डी, हिमाचल प्रदेश में 132 के० वी० द्विपथ संचार लाईन कांगू से लारजी के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है। अतएव एतद्द्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि नीचे विवरणी में निर्दिष्ट किया गया है उपरोक्त परियोजना के लिए भूमि का अर्जन अपेक्षित है।

2. भूमि अर्जन अधिनियम की धारा-6 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों की सूचना के लिए यह घोषणा की जाती है और उक्त अधिनियम की धारा-7 के उपबन्धों के अधीन भू-अर्जन समारहर्ता, हि० प्र० राज्य विद्युत बोर्ड मण्डी, को उक्त भूमि के अर्जन के लिए आदेश लेने का एतद्द्वारा निर्देश दिया जाता है।

3. भूमि के रेखांक का निरीक्षण भू-अर्जन समारहर्ता, हि० प्र० राज्य विद्युत बोर्ड मण्डी, जिला मण्डी, के कार्यालय में किया जा सकता है।

## विवरणी

जिला : मण्डी

तहसील : सुन्दरनगर

मुहाल 1	खसरा नं० 2	रकबा (बीघों में) 3
कनैड़	1198/625/1	0 02 11
	984/1	0 03 04
	980/1	0 08 09
	470/1	0 04 11
	184/1	0 02 14
	220/1	0 01 16
	221/1	0 02 01
	224/1	0 00 04
	273/1	0 02 00
	274/1	0 02 00
छातर	677/1	0 04 01
	677/2	0 02 05
	679/1	0 00 09
	680/1	0 00 06
	690/1	0 00 12
	691/1	0 00 09
जुगाहण	349/1	0 08 02
	350/1	0 00 07
	296/1	0 02 18
	297/1	0 02 02
	239/1	0 02 12
	246/1	0 01 09
भरजवाणू	113/1	0 00 12
	427/1	0 01 04
	400/1	0 02 10
	401/1	0 02 10
	326/1	0 02 08
	328/1	0 02 08
	293/1	0 04 15
	301/1	0 00 04
	565/1	0 08 09
	1122/639/1	0 06 01
	710/1	0 00 03
	712/1	0 04 16
	726/1	0 05 00
डोहड़	14/1	0 04 15
	16/1	0 00 05
	201/1	0 05 00
	246/1	0 01 00
	249/1	0 04 00
	852/584/1	0 01 16
	585/1	0 02 05
	614/1	0 07 04
देरड़	342/2/1	0 04 01
	256/1	0 06 01
थला	48/1	0 08 06
	114/1	0 01 13
	118/1	0 02 01
	117/1	0 01 06
	526/1	0 01 06
	590/1	0 06 01
धार	1081/1009/1/1	0 06 01
	849/1	0 08 04
	841/1	0 00 08
	839/1	0 09 16
	1057/806/1	0 06 01
	803/1	0 09 16
तलसाई	441/1	0 08 09
	482/1	0 01 16

1	2	3
कुराहा	124/1 0 04 17	1044/939/2 0 07 10
	125/1 0 00 18	945/1 0 01 02
	162/1 0 00 05	982/1 0 06 01
	246/1 0 05 00	657/1 0 06 01
सुरास	483/120/1 0 00 18	69/1 0 06 01
	135/1 0 01 06	24/1 0 05 00
	160/1 0 03 03	1291/969/1 0 09 01
बड़ोन	425/1 0 09 15	82/1 0 08 09
	437/1 0 04 06	776/1 0 06 01
	439/1 0 01 17	780/1 0 08 09
	440/1 0 00 06	784/1 0 00 04
	2221/576/1 0 05 00	794/1 0 07 13
	1042/1 0 00 09	
	1043/1 0 01 00	
बहड़ी	512/1 0 00 06	
	693/686/1 0 05 00	
	777/1 0 05 00	
पयोह	857/1 0 02 08	
	859/1 0 02 12	
	1044/939/1 0 05 00	
		किला 16 09 02
		आदेश द्वारा,
		हस्ताक्षरित/-
		सचिव ।

**भाग-2 -वैधानिक विषयों को छोड़कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि**

कार्यालय जिला पंचायत अधिकारी,  
बिलासपुर, जिला बिलासपुर (हि 0 प्र 0)

कार्यालय सहायक पंजीयक सहकारी सभायें चम्वा, जिला चम्वा,  
हिमाचल प्रदेश

अधिसूचना

कार्यालय आदेश

बिलासपुर, 19 सितम्बर, 2002

चम्वा, 31 अगस्त, 2002

संख्या बी एल पी-पंच-9385-94.—हिमाचल प्रदेश पंचायती राज (सामान्य) नियम, 1997 के नियम 135 (2) के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए मैं, सोहन लाल सैनी, जिला पंचायत अधिकारी, बिलासपुर, जिला बिलासपुर, हिमाचल प्रदेश, निम्न सारणी में वर्णित जिला बिलासपुर की ग्राम पंचायत के पदाधिकारियों द्वारा अपने पद से दिए गए त्याग-पत्रों को उनके नामों के आगे दर्शाया गई दिनांक से सहर्ष स्वीकार करता हूँ:—

संख्या सह/विधि 3181-87.—चूँकि दि वनेटा हाई स्कूल सहकारी भण्डार को इस कार्यालय के पत्र संख्या 3020-27, दिनांक 4-10-2001 के द्वारा विघटन में डाला गया था।

चूँकि विघटन द्वारा भण्डार के प्राप्त्य व दायित्वों को समाप्त करके अवशेष पत्र को शून्य किया जा चुका है तथा भण्डार के पुनर्जीवित होने की कोई सम्भावना नहीं है।

चूँकि विघटन तथा निरीक्षक (अं) ने अपनी अन्तिम रिपोर्ट में उक्त भण्डार के पंजीयन को रद्द करने की सिफारिश की है।

अतः मैं, विवेक महाजन, सहायक पंजीयक सहकारी सभायें, चम्वा जिला चम्वा उक्त भण्डार के विघटन की रिपोर्ट को दृष्टिगत रखते हुए पंजीयक सहकारी सभायें हिमाचल प्रदेश, शिमला द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हिमाचल प्रदेश सहकारी सभायें अधिनियम, 1968 (3 अफ 1969) की धारा 83 (2) के अन्तर्गत दि वनेटा हाई स्कूल सहकारी भण्डार के पंजीयन को रद्द करने के आदेश जारी करता हूँ।

हस्ताक्षरित/-  
विवेक महाजन,  
सहायक पंजीयक,  
सहकारी सभायें, चम्वा ।

सारणी

क्रम सं०	विकास खण्ड का नाम	ग्राम पंचायत का नाम	पदाधिकारी का नाम/ पूरा पता	स्वीकृति की दिनांक	त्याग-पत्र का कारण
1	2	3	4	5	6
1.	झण्डूता	कलोल	श्री रतन लाल पुत्र श्री भगवान दास, ग्राम बकैण, डा 0 कलोल, जिला बिलासपुर (हि 0 प्र 0) (वार्ड नं 0 3 बकैण) ।	20-4-2002	स्वास्थ्य ठीक न होने के कारण ।
2.	सदर	सिकरोहा	श्री बाबू राम पुत्र श्री नानक राम, गांव सिल्हा, डा 0 सिकरोहा, तह 0 सदर, जिला बिलासपुर (हि 0 प्र 0) (वार्ड नं 0 6 सिल्हा) ।	5-8-2002	तीसरी संतान पैदा होने के कारण

**DIRECTOR CONSOLIDATION OF HOLDINGS, HIMACHAL PRADESH, SHIMLA-9**

**NOTIFICATION**

Shimla-9, the 17th September, 2002

No. Rev. CH. (P) 13/78-4783-4801.—In exercise of powers conferred upon me vide sub-section (2) of section 52 the H. P. Holdings (Consolidation) and Prevention of Fragmentation) Act, 1971, and in pursuance of sanction of Govt. vide letter No. Rev-D (A) 2/2002, dated the 7th September, 2002, I Sanjay Gupta, Director, Consolidation of Holdings, H. P. exercising the powers of State Govt. under that sanction, delegate to the Deputy Director, Consolidation of Holdings, H. P. the powers to hear and

हस्ताक्षरित/-  
जिला पंचायत अधिकारी,  
जिला बिलासपुर, (हि 0 प्र 0) ।



decide appeals under section 30(4) of the said Act with immediate effect.

accorded in favour of Ms. Purnima Chauhan, Secretary.

Sd/-  
Director,  
Consolidation of Holdings,  
Himachal Pradesh, Shimla-9.

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION KEONTHAL COMMERCIAL COMPLEX, KHAIINI, SHIMLA-171002

### OFFICE ORDER

Shimla-2, the 6th September, 2002

No. HPERC/ Secy/708/PC/GA/RM/2002-6389-94.—Sanction for eleven days earned leave w. e. f. 16-10-2002 to 26-10-2002 with permission to prefix gazetted holiday on 15th October (Thursday) and suffix Sunday falling on 27th October, 2002 is hereby

As required under F. R. 26 (b) (ii), it is certified that Ms. Purnima Chauhan, Secretary, HPERC would have continued to officiate as Secretary but for her proceeding on earned leave for the above period. The period of leave will count toward her annual increment.

During the leave period of Ms. Purnima Chauhan, Secretary, Shri P. N. Bhardwaj, Executive Director (TA), will hold the routine charge in addition to his own duties without any extra remuneration.

By order,

Sd/-  
Chairman,  
HPERC.

### IRRIGATION AND PUBLIC HEALTH DEPARTMENT

### OFFICE ORDER

Shimla-9, the 29th August, 2002

No. IPH-E-Pay fixation/2002-7655-7704.—In pursuance of the instruction contained in Financial Commissioner-cum-Secretary (Fin) to the Government of Himachal Pradesh Letter No. Fin (PR) 3 (7)-51/93-I, dated 4-8-2001 and Principal Secretary (IPH) Notification No. IPH(A)-2(B) 8/2-2001, dated 16-5-2002 regarding introduction of "Career Progression Scheme" for Junior Engineer and subsequent recommendations of the Departmental Promotion Committee in its meeting held on 6-8-2002, the following Junior Engineers who have completed 16 years or more service in same post/cadre are hereby granted next higher scale of Rs. 7220—11320 w. e. f. 4-8-2001 with the designation as additional Assistant Engineer (Class-II, Gazetted) as under :—

Sl. No.	Name and Designation	Date of appointment as JE	Date of compl. of 16/24 years service	Date from which ACP increment allowed 16—24 years	Date of placement in higher scale Rs. 7220—11320	Date from which the status of class-II All Assistant Engineers (G) AAE
1	2	3	4	5	6	7
1.	Shri J. N. Verma, JE	6-12-74	5-12-98	6-12-98 (24 years)	4-8-01	4-8-01
2.	Shri D. N. Bhatia, JE	24-5-77	23-5-01	24-5-01 (24 years)	4-8-01	4-8-01
3.	Shri T. R. Mahajan, JE	21-10-80	20-10-96	—	4-8-01	4-8-01
4.	Shri P. C. Verma, JE	16-3-82	15-3-98	—	4-8-01	4-8-01
5.	Shri Ramesh Chauhan, JE	29-3-82	19-3-98	—	4-8-01	4-8-01
6.	Shri Babu Ram, JE	24-1-76	23-1-2k	24-1-2k (24 years)	4-8-01	4-8-01
7.	Shri Dila Ram, JE	27-5-83	26-5-99	—	4-8-01	4-8-01
8.	Shri Jagat Ram, JE	9-5-83	8-5-99	4-8-01 (16 years)	4-8-01	4-8-01
9.	Shri Bishan Dutt, JE	1-7-85	30-6-99	—	4-8-01	4-8-01
10.	Shri Asha Ram Raju, JE	10-8-79	9-8-95	—	4-8-01	4-8-01
11.	Shri J. S. Pal, JE	3-5-85	2-5-01	4-8-01 (16 years)	4-8-01	4-8-01
12.	Shri Laiq Ram, JE	19-12-85	18-12-01	19-12-01 (16 years)	19-12-01	19-12-01
13.	Shri D. R. Walia, JE (Now AE).	30-7-69	29-7-93 (24 years)	1-1-96 (24 years) in the pay scale of Rs. 7220—11320.		Already promoted as AE

Sd/-  
Superintending Engineer,  
Shimla Circle

Office of the Deputy Commissioner, Solan, District  
(Solan H. P.)

OFFICE ORDER

Solan, the 5th September, 2002

No. HC/XX-4/99-I-7062-85.—It has been made to appear to me that unauthorised parking of vehicles is being made in the premises of Circuit/Rest House, Solan which causes inconvenience to the VIPs frequently visiting the Circuit House.

In view of the above, I, Bharat Khera, IAS, District Magistrate, Solan, exercising the powers conferred by

section 115 of the Motor Vehicle Act, 1988 do hereby order to strictly prohibit the unauthorised parking of all kind of vehicles in the Circuit/Rest House premises, Solan except Govt. Vehicles/specially authorised vehicles going to the Circuit/Rest House for official business with immediate effect.

Violation of above order shall be punishable under the provision of law.

BHARAT KHERA,  
District Magistrate,  
Solan, District Solan.

नियम-3.—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाईनैन्शियल कमिशनर तथा कमिशनर आफ इन्कम टैक्स द्वारा अधिसूचित प्रदेश इत्यादि।

गृह विभाग

अधिसूचना

शिमला-171 002, 3 अगस्त, 2002

संख्या गृह(ए) की (2) 1/98.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तु द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, इस विभाग की समसंख्यक अधिसूचना, तारीख 15-11-2001 द्वारा अधिसूचित, हिमाचल प्रदेश पुलिस विभाग में अधीक्षक ग्रेड-I (वर्ग-I, राजपत्रित) भर्ती एवं प्रोन्नति नियम, 2001 में और संशोधन करने के लिए निम्नलिखित नियम बनाने हैं, अर्थात्:—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश पुलिस विभाग, अधीक्षक ग्रेड-I (वर्ग-I, राजपत्रित) भर्ती एवं प्रोन्नति (प्रथम संशोधन) नियम, 2002 है।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किये जाने की तारीख से प्रवृत्त होंगे।

2. उपाबन्ध “क” का संशोधन.—हिमाचल प्रदेश पुलिस विभाग, अधीक्षक ग्रेड-I (वर्ग-I, राजपत्रित) भर्ती एवं प्रोन्नति नियम, 2001 के उपाबन्ध “क” में:—

(क) स्तम्भ संख्या 5 के सामने विद्यमान उपाबन्धों के स्थान पर निम्नलिखित प्रतिस्थापित किए जाएंगे, अर्थात्:—

“चयन”।

(ख) स्तम्भ संख्या 12 के सामने विद्यमान उपाबन्धों के स्थान पर निम्नलिखित प्रतिस्थापित किए जाएंगे, अर्थात्:—

“विभागीय प्रोन्नति समिति की अध्यक्षता हिमाचल प्रदेश लोक सेवा आयोग के अध्यक्ष द्वारा या उसके द्वारा निर्दिष्ट सदस्य द्वारा की जायेगी”।

आदेश द्वारा,  
हस्ताक्षरित/-  
अतिरिक्त मुख्य सचिव।

[Authoritative English text of this department notification No. Home (A) B (2) 1/98, dated the 3rd August, 2002 as required under clause (3) of Article 348 of the Constitution of India].

HOME DEPARTMENT

NOTIFICATION

Shimla-2, the 3rd August, 2002

No. Home (A) B (2) 1/98.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission is pleased to make the following rules to further amend the Himachal Pradesh Police Department Superintendent Grade-I (Class-I, Gazetted) Recruitment

and Promotion Rules, 2001, notified vide this Department Notification of even number, dated 15-11-2001, namely:—

1. Short title and commencement.—(1) These rules may be called the Himachal Pradesh Police Department, Superintendent Grade-I (Class-I, Gazetted) Recruitment and Promotion (First Amendment) Rules, 2002.

(2) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. Amendment of Annexure “A”.—In Annexure “A” to Himachal Pradesh Police Department, Superintendent Grade-I (Class-I, Gazetted) Recruitment and Promotion Rules, 2001:—

(a) For the existing provisions against Column No. 5, the following shall be substituted, namely:—

“Selection”.

(b) For the existing provisions against Column No. 12, the following shall be substituted, namely:—

“DPC to be presided over by the Chairman, Himachal Pradesh Public Service Commission or a member thereof to be nominated by him.”

By order,

Sd/-

Addl. Chief Secretary.

LABOUR DEPARTMENT

ORDER

Shimla-1, the 7th September, 2002

No. 11-11/2001 (Lab.) ID-Retranchment.—1. Whereas a dispute arose between the Management of M/s Fermenta Biotech Limited, Takoli, P. O. Nagwain, District Mandi, Himachal Pradesh and its workers union i. e. Fermenta Karamchari Union, Village Takoli, P. O. Nagwain, District Mandi, H. P. on the issue of rate of retrenchment compensation of 21 workmen, retrenched (by the Management) w. e. f. 3-7-2002.

2. Whereas, not satisfied with the retrenchment compensation offered/paid by the Management as per the provisions of section 25 of the Industrial Disputes Act, 1947, 38 workmen of the Union resorted to the strike w. e. f. 3-7-2002.

3. Whereas to settle the above said dispute, conciliation proceedings were conducted by the Labour Officer, Mandi Zone, Mandi, thereafter by the Joint Labour Commissioner and ultimately by the undersigned. But despite of best efforts the dispute could not be settled. Consequently the issue of the dispute was referred to the Hon'ble Labour Court, H. P., Shimla for adjudication vide notification No. 11-11/2001 (Lab.) ID-Retranchment, dated 2-9-2002.

In the light of reference made above and in exercise of powers vested in me vide Himachal Pradesh Government Notification No. 19-8/89 (Loose), dated 7-9-1992, I do hereby prohibit the strike by all 38 workmen of M/s Fermenta Biotech Limited Takoli, P. O. Nagwain, District Mandi, H. P. being supported by there workers union i. e. Fermenta Karamchhari Union, Village Takoli, P. O. Nagwain, District Mandi, H. P., with immediate effect.

#### अधिसूचनाएं

शिमला-1, 9 सितम्बर, 2002

संख्या 11-2/93 (लैब0) आई0 डी0 भाग-बद्धी.—अधोहस्ताक्षरी को यह प्रतीत होता है कि M/s Jayco India Ltd., Village Katha, P. O. Baddi, District Solan (H. P.) and Sh. Sanjeevan Kumar through Sh. J. C. Bhardwaj, General Secretary, AITUC, H. Q. Saproon, Distt. Solan (H. P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ;

श्री औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रस्तुत की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा (5) के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है ।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (लूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनियम देने के लिये भेजा जाता है :—

“Whether the domestic enquiry conducted by Vice President of M/s Jayco India Limited, Baddi, Distt. Solan (H.P.) against Sh. Sanjeevan Kumar and termination of his services w.e.f. 21-4-2000 on the basis of enquiry report is fair, legal and justified ? If not, what relief of service benefits including seniority and back wages, the above workman is entitled to ?”

शिमला-1, 9 सितम्बर, 2002

संख्या 11-2/93 (लैब0) आई0 डी0 भाग-बद्धी.—अधोहस्ताक्षरी को यह प्रतीत होता है कि M/s Jayco India Ltd., Village Katha, P. O. Baddi, District Solan (H.P.) and Sh. Satish Kumar through Sh. J. C. Bhardwaj, General Secretary, AITUC, H. Q. Saproon, Distt. Solan, Himachal Pradesh के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ;

श्री औद्योगिक विवाद अधिनियम, 1947 की धारा 12 (4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा (5) के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है ।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (लूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किये गए विषय पर अधिनियम देने के लिए भेजा जाता है :—

“Whether the domestic enquiry conducted by Vice President of M/s Jayco India Limited, Baddi,

Distt. Solan (H.P.) against Sh. Satish Kumar and termination of his services w.e.f. 21-4-2000 on the basis of enquiry report is fair, legal and justified ? If not, what relief of service benefits including seniority and back wages, the above workman is entitled to ?”

शिमला-171001, 9 सितम्बर, 2002

संख्या 11-2/93 (लैब0) आई0 डी0 भाग-बद्धी.—अधोहस्ताक्षरी को यह प्रतीत होता है कि M/s Jayco India Ltd., Village Katha, P. O. Baddi, Distt. Solan (H. P.) and Sh. Deepak Kumar through Shri J. C. Bhardwaj, General Secretary, AITUC, H. Q. Saproon, Distt. Solan (H. P.) के मध्य नीचे दिये गए विषय पर औद्योगिक विवाद है ;

श्री औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा 5 के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है ।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (लूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किये गये विषय पर अधिनियम देने के लिए भेजा जाता है :—

“Whether the domestic enquiry conducted by Vice President of M/s Jayco India Limited, Baddi, Distt. Solan (H.P.) against Sh. Deepak Kumar and termination of his services w.e.f. 21-4-2000 on the basis of enquiry report is fair, legal and justified ? If not, what relief of service benefits including seniority and back wages, the above workman is entitled to ?”

शिमला-171001, 9 सितम्बर, 2002

संख्या 11-2/93 (लैब0) आई0 डी0 भाग-बद्धी.—अधोहस्ताक्षरी को यह प्रतीत होता है कि Shri Khub Chand s/o Shri Dharam Chand through Sh. J. C. Bhardwaj, Gen. Secretary, H. P. AITUC, Head Quarter Saproon, Distt. Solan and M/s Jayco India Ltd., Vill. Katha, P. O. Baddi, District Solan (H. P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ;

श्री औद्योगिक विवाद अधिनियम, 1947 की धारा 12 (4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा (5) के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम-न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिये भेजने योग्य है ।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (लूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किये गये विषय पर अधिनियम देने के लिए भेजा जाता है :—

“Whether the domestic enquiry conducted by M/s Jayco India Ltd., Baddi, Distt. Solan, H.P. against Sh. Khub Chand s/o Sh. Dharam Chand workman and termination of his services w. e. f. 13-5-2000 on the basis enquiry report is fair and justified ?

If not, what relief of service benefits including seniority and backwages the above workman is entitled to ?”

शिमला-1, 9 सितम्बर, 2002

शिमला-171 001, 9 सितम्बर, 2002

संख्या 11-2/93 (लंब) आई० डी० भाग-बद्धी.—अधो-हस्ताक्षरी को यह प्रतीत होता है कि Shri Uttam Singh s/o Shri Kehar Singh through Sh. J. C. Bhardwaj, General Secretary, H. P. AITUC, Head Quarter Saproon, Distt. Solan and the M/s Jayco India Ltd., Vill. Katha, P.O. Baddi, District Solan (H. P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ;

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12 (4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा-12 की उप-धारा (5) के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (लूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा-10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा-7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनियम देने के लिए भेजा जाता है :—

“Whether the domestic enquiry conducted by M/s Jayco India Ltd., Baddi, Distt. Solan, H. P. against Sh. Uttam Singh s/o Sh. Kehar Singh workman and termination of his services w.e.f. 13-5-2000 on the basis enquiry report is fair and justified ? If not, what relief of service benefits including seniority and backwages the above workman is entitled to ?”

शिमला-1, 9 सितम्बर, 2002

संख्या 11-2/93 (लंब) आई० डी० भाग-बद्धी.—अधो-हस्ताक्षरी को यह प्रतीत होता है कि M/s Jayco India Ltd., Village Katha, P. O. Baddi, District Solan, H. P. and Sh. Trilok Singh through Sh. J. C. Bhardwaj, General Secretary, AITUC, H. Q., Saproon, District Solan (H. P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ;

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12 (4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा (5) के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को निर्णय के लिए भेजने योग्य है।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (लूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनियम देने के लिए भेजा जाता है :—

“Whether the domestic enquiry conducted by Vice President of M/s Jayco India Limited, Baddi, Distt. Solan, H.P. against Sh. Trilok Singh and termination of his services w.e.f. 21-4-2000 on the basis of enquiry report is fair, legal and justified ? If not, what relief of service benefits including seniority and back wages the above workman is entitled to ?”

संख्या 11-2/93 (लंब) आई० डी० भाग-बद्धी.—अधो-हस्ताक्षरी को यह प्रतीत होता है कि M/s Jayco India Ltd., Village Katha, P.O. Baddi District Solan, H.P. and Shri Sanjeev Kohli through Sh. J.C. Bhardwaj, General Secretary, AITUC, H.Q. Saproon, Distt. Solan (H. P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ;

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12 (4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा (5) के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम देने के लिए भेजने योग्य है।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (लूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनियम देने के लिए भेजा जाता है :—

“Whether the domestic enquiry conducted by Vice President of M/s Jayco India Limited, Baddi, Distt. Solan, H. P. against Sh. Sanjeev Kohli and termination of his services w.e.f. 21-4-2000 on the basis of enquiry report is fair, legal and justified ? If not, what relief of service benefits including seniority and back wages the above workman is entitled to ?”

शिमला-1, 9 सितम्बर, 2002

संख्या 11-2/93 (लंब) आई० डी० भाग-बद्धी.—अधो-हस्ताक्षरी को यह प्रतीत होता है कि Sh. Rajiv Kumar s/o Sh. Gopal Ram through Sh. J.C. Bhardwaj, General Secretary, H.P. AITUC, Head Quarter Saproon, Distt. Solan and the M/s Jayco India Ltd., village Katha, P. O. Baddi, Distt. Solan (H. P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ;

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12 (4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा (5) के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम देने के लिए भेजने योग्य है।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (लूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनियम देने के लिए भेजा जाता है :—

“Whether the domestic enquiry conducted by M/s Jayco India Ltd., Baddi, Distt. Solan, H.P. against Sh. Rajiv Kumar s/o Sh. Gopal Ram workman and termination of his services w.e.f. 13-5-2000 on the basis enquiry report is fair and justified ? If not what relief of service benefits including seniority and back wages the above workman is entitled to ?”

जिमला-1, 9 सितम्बर, 2002

जिमला-171001, 9 सितम्बर, 2002

सं० 11-2/93 (लैब०) आई० डी० भाग-बददी.—अधो-हस्ताक्षरी को यह प्रतीत होता है कि Shri Harpal Singh s/o Shri Milkhi Ram through Sh. J. C. Bhardwaj, Gen. Secretary, H. P. AITUC Head Quarter, Saproon, Distt. Solan and the M/s Jayco India Ltd., Vill. Katha, P. O. Baddi, District Solan (H. P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ;

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा (5) के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (नूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनियम देने के लिए भेजा जाता है :—

“Whether the domestic enquiry conducted by M/s Jayco India Ltd., Baddi, Distt. Solan, H. P. against Sh. Harpal Singh s/o Sh. Milkhi Ram workman and termination of his services w.e.f. 13-5-2000 on the basis enquiry report is fair and justified? If not, what relief of service benefits including seniority and backwages the above workman is entitled to?”

जिमला-1, 9 सितम्बर, 2002

संख्या 11-2/93 (लैब०) आई० डी० भाग-बददी.—अधो-हस्ताक्षरी को यह प्रतीत होता है कि Shri Dhian Singh s/o Shri Darshan Singh through Sh. J. C. Bhardwaj, Gen. Secretary, H.P. AITUC, Head Quarter, Saproon, Distt. Solan and the M/s Jayco India Ltd., Vill. Katha, P. O. Baddi, District Solan (H.P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ;

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12 (4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा (5) के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि यह मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (नूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनियम देने के लिए भेजा जाता है :—

“Whether the domestic enquiry conducted by M/s Jayco India Ltd., Baddi, District Solan, H.P. against Sh. Dhian Singh s/o Sh. Darshan Singh workman and termination of his services w.e.f. 13-5-2000 on the basis enquiry report is fair and justified? If not, what relief of service benefits including seniority and backwages the above workman is entitled to?”

संख्या 11-2/93 (लैब०) आई० डी० भाग-बददी.—अधो-हस्ताक्षरी को यह प्रतीत होता है कि Shri Rajesh Sharma s/o Shri Brahm Dutt through Shri J. C. Bhardwaj, Gen. Secretary, H. P. AITUC Head Quarter, Saproon, District Solan, and the M/s Jayco India Ltd., Vill. Katha, P. O. Baddi, District Solan (H. P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ;

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12 (4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा-12 की उप-धारा (5) के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (नूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा-7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनियम देने के लिए भेजा जाता है :—

“Whether the domestic enquiry conducted by M/s Jayco India Ltd., Baddi, Distt. Solan, H. P. against Sh. Rajesh Sharma s/o Sh. Brahm Dutt workman and termination of his services w.e.f. 13-5-2000 on the basis enquiry report is fair and justified? If not, what relief of service benefits including seniority and backwages the above workman is entitled to?”

जिमला-1, 9 सितम्बर, 2002

संख्या 11-2/93 (लैब०) आई० डी० भाग-बददी.—अधो-हस्ताक्षरी को यह प्रतीत होता है कि Shri Amarjeet Singh s/o Shri Jagan Nath through Sh. J. C. Bhardwaj, Gen. Secretary, H.P. AITUC, Head Quarter, Saproon, Distt. Solan and the M/s Jayco India Ltd., Vill. Katha, P.O. Baddi, District Solan, Himachal Pradesh के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ;

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12 (4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा (5) के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (नूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनियम देने के लिए भेजा जाता है :—

“Whether the domestic enquiry conducted by M/s Jayco India Ltd., Baddi, Distt. Solan, H.P. against Sh. Amarjeet Singh s/o Sh. Jagan Nath workman and termination of his services w.e.f. 13-5-2000 on the basis enquiry report is fair and justified? If not, what relief of his service benefits including seniority and backwages the above workman is entitled to?”

हस्ताक्षरित/-  
अमायुक्त।



## श्रम एवं रोजगार विभाग

## अधिसूचना

शिमला-2, 1 अगस्त, 2002

संख्या 2(बी) 2-4/93-श्रम.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, इस विभाग की समसंख्यांक अधिसूचना तारीख 9-10-2000 द्वारा अधिसूचित हिमाचल प्रदेश श्रम एवं रोजगार विभाग में रोजगार अधिकारी, वर्ग-III (अराजपत्रित) भर्ती एवं प्रोन्नति नियमों में संशोधन करने के लिए निम्नलिखित नियम बनाने हैं, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(i) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश श्रम एवं रोजगार विभाग, रोजगार अधिकारी, वर्ग-II (अराजपत्रित), भर्ती एवं प्रोन्नति (प्रथम संशोधन) नियम, 2002 है।

(ii) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे।

2. संक्षिप्त नाम का संशोधन.—हिमाचल प्रदेश श्रम एवं रोजगार विभाग, रोजगार अधिकारी, वर्ग-III (अराजपत्रित), भर्ती एवं प्रोन्नति नियम, 2000 (जिन्हें इसमें इसके पश्चात् उक्त नियम कहा गया है) के संक्षिप्त नाम में शब्द, चिन्ह और रोमन अंक “वर्ग-III”, के स्थान पर “वर्ग-II” शब्द, अंक और रोमन अंक प्रस्थापित किए जाएंगे।

3. उपाबन्ध “क” का संशोधन.—उक्त नियमों के उपाबन्ध “क” में :—

(क) स्तम्भ संख्या 3 के सामने विद्यमान उपबन्धों के स्थान पर निम्नलिखित प्रतिस्थापित किए जाएंगे, अर्थात् :—  
“वर्ग-II (अराजपत्रित)”;

(ख) स्तम्भ संख्या 4 के सामने विद्यमान उपबन्धों के स्थान पर निम्नलिखित प्रतिस्थापित किए जाएंगे, अर्थात् :—  
“7000-220-8100-275-10300-340-10980 रुपए”;

(ग) स्तम्भ संख्या 5 के सामने विद्यमान उपबन्धों के स्थान पर निम्नलिखित प्रतिस्थापित किए जाएंगे, अर्थात् :—  
“चयन”;

(घ) स्तम्भ संख्या 6 के सामने विद्यमान उपबन्धों में अंकों और शब्दों “18 से 35 वर्ष” के स्थान पर “18 से 45 वर्ष” अंक और शब्द प्रतिस्थापित किए जाएंगे;

(ङ) स्तम्भ संख्या 10 के सामने विद्यमान शीर्षक के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—  
“भर्ती की पद्धति, भर्ती सीधी होगी या प्रोन्नति या प्रतियुक्ति या स्थानान्तरण द्वारा और विभिन्न पद्धतियों द्वारा भरे जाने वाले पदों की प्रतिशतता”; और

(च) स्तम्भ संख्या 12 के सामने विद्यमान उपबन्धों के स्थान पर निम्नलिखित प्रतिस्थापित किए जाएंगे, अर्थात् :—  
“विभागीय प्रोन्नति समिति की अध्यक्षता हिमाचल प्रदेश लोक सेवा आयोग के अध्यक्ष या उनके द्वारा नाम निर्दिष्ट किसी सदस्य द्वारा की जाएगी।”

अदेश द्वारा,

हरिन्दर होरा,  
प्रधान सचिव।

of India, the Governor, Himachal Pradesh, in consultation with the H. P. Public Service Commission, is pleased to make the following rules to amend the H. P. Labour and Employment Department, Employment Officer, Class-III (Non-Gazetted) Recruitment and Promotion Rules, 2000, notified vide this department Notification of even number, dated 9-10-2000, namely:—

1. *Short title and commencement.*—(i) These rules may be called the Himachal Pradesh Labour and Employment Department, Employment Officer, Class-II (Non-Gazetted) Recruitment and Promotion (First Amendment) Rules, 2002.

(ii) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. *Amendment of Short title.*—In short title of the Himachal Pradesh Labour and Employment Department, Employment Officer, Class-III (Non-Gazetted) Recruitment and Promotion Rules, 2000 (hereinafter referred to as the “said rules”) for the word, sign and Roman Figure “Class-III” the word, sign and Roman Figure, “Class-II” shall be substituted.

3. *Amendment of Annexure “A”.*—In Annexure “A” to the said rules :—

(a) For the existing provisions against Column No. 3, the following shall be substituted, namely:—  
“Class-II (Non-Gazetted)”;

(b) For the existing provisions against Col. No. 4, the following shall be substituted, namely:—  
“Rs. 7000-220-8100-275-10300-340-10980”;

(c) For the existing provisions against Col. No. 5, the following shall be substituted, namely:—  
“Selection”;

(d) In the existing provisions against Col. No. 6, for the words and figure “Between 18 and 35 years” the words and figure “Between 18 and 45 years” shall be substituted;

(e) For the existing title of Column No. 10, the following shall be substituted, namely:—  
“Method of recruitment, whether by direct recruitment or by promotion, deputation, transfer and the percentage of posts to be filled in by various method”; and

(f) For the existing provisions against Column No. 12, the following shall be substituted, namely:—  
“DPC to be presided over by the Chairman, H.P. Public Service Commission or a Member thereof to be nominated by him.”

By order,

HARINDER HIRA,  
Principal Secretary.

योजना विभाग

अधिसूचना

शिमला-171 002, 7 अगस्त, 2002

[Authoritative English text of this Department Notification No. 2 (B) 2-4/93, Shram, dated 1st August, 2002 as required under clause (3) of Article 348 of the Constitution of India].

## LABOUR AND EMPLOYMENT DEPARTMENT NOTIFICATION

Shimla-2, the 1st August, 2002

No. 2 (B) 2-4/93-Shram.—In exercise of the powers conferred by proviso to Article 309 of the constitution

संख्या पो0एल0जी0-ए0(3)-10/95.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, इस विभाग की अधिसूचना संख्या पो0एल0जी0-ए0(3)-10/95, तारीख 20-3-1997 द्वारा अधिसूचित हिमाचल प्रदेश श्रम एवं रोजगार विभाग, निजी नहायक, वर्ग-III (अराजपत्रित)

भर्ती एवं प्रोन्नति नियम, 1997 में और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश, अर्थ एवं सांख्यिकी विभाग, निजी सहायक वर्ग-II, (अराजपत्रित) भर्ती एवं प्रोन्नति (प्रथम संशोधन) नियम, 2002 है।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किये जाने की तारीख से प्रवृत्त होंगे।

2. संक्षिप्त नाम का संशोधन.—हिमाचल प्रदेश, अर्थ एवं सांख्यिकी विभाग, निजी सहायक (वर्ग-III, अराजपत्रित) भर्ती एवं प्रोन्नति नियम, 1997 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) के संक्षिप्त नाम में शब्दों, चिन्ह और रोमन अंक "वर्ग-III, अराजपत्रित" के स्थान पर "वर्ग-II, (अराजपत्रित)" शब्द, चिन्ह और रोमन अंक प्रतिस्थापित किए जाएंगे।

3. उपावन्ध "प्र" का संशोधन.—उक्त नियमों के उपावन्ध "अ" में स्तम्भ संख्या-3 में शब्दों, चिन्ह और रोमन अंक "वर्ग-III (अराजपत्रित)", के स्थान पर "वर्ग-II (अराजपत्रित)" शब्द, चिन्ह और रोमन अंक प्रतिस्थापित किए जाएंगे।

आदेश द्वारा,  
एस 0 के 0 सूद,  
प्रधान सचिव।

[Authoritative English text of this Department notification No. PLG-A(3)-10/95, dated 7-8-2002 as required under Clause (3) of Article 348 of the Constitution of India].

## PLANNING DEPARTMENT NOTIFICATION

Shimla-171 002, the 7th August, 2002

No. PLG-A(3)-10/95.—In exercise of the powers conferred by proviso to Article 309 of the Constitution

of India, the Governor, Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the following Rules further to amend the Himachal Pradesh, Economics and Statistics Department, Personal Assistant, Class-III (Non-Gazetted) Recruitment and Promotion Rules, 1997 notified vide this department notification No. PLG-A(3)-10/95, dated 20-3-1997, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Himachal Pradesh, Economics and Statistics Department, Personal Assistant, Class-III (Non-Gazetted) Recruitment and Promotion (1st Amendment) Rules, 2002.

(2) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. *Amendment of short title.*—In Short title of the Himachal Pradesh, Economics and Statistics Department, Personal Assistant, (Class-III, Non-Gazetted) Recruitment and Promotion Rules, 1997 (herein after referred to as the "said rules" (for words, sign and Roman figure, "Class-III, Non-Gazetted," The words, sign and Roman figures, "Class-II Non-Gazetted" shall be substituted.

3. *Amendment of Annexure "A".*—In Annexure "A" to the said rules, in Column No. 3, for the words, Sign & Roman figure "Class-III, Non-Gazetted," the words, sign & Roman figure "Class-II, Non-Gazetted" shall be substituted.

By order,  
S. K. Sood,  
Principal Secretary.

भाग 4—स्थानीय स्थायित्व शासन, म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाऊन एरिया तथा पंचायती राज विभाग

-शून्य-

## भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

In the Court of Sub-Divisional Magistrate, Dalhousie District Chamba

Chhunko Devi w/o Late Shri Om Parkash, Village Bhatoli, Tehsil Dalhousie, District Chamba.

V/s

General public

Where as Shrimati Chhunko Devi applicant has applied for the change of her name from Chhunko Devi to Leela Devi in the Panchayat and revenue record.

Before, issuing the order, objection from the general public are hereby invited to file objections, if any, in the court of undersigned on or before 7-10-2002 failing which order for the change of name from Chhunko Devi to Leela Devi in the Panchayat and Revenue record will be issued.

Given today the 4th day of September, 2002.

Seal.

Sd/-

Sub-Divisional Magistrate,  
Dalhousie, District Chamba.

In the Court of Sub-Divisional Magistrate, Dalhousie District Chamba

Rishu s/o Shri Surinder Mahajan, Resident of Dalhousie Cantt.

V/s

General public

Correction of name

Shri Rishu son of Shri Surinder Mahajan, resident of Dalhousie Cantt. has applied for the correction of his name from Rishu to Nishant Mahajan.

Before issuing the order, objections are hereby invited from the general public to file their objection, if any, in this court on or before 7-10-2002 otherwise order for the change of name will be issued.

Given today the 3rd day of September, 2002.

Seal.

Sd/-

Sub-Divisional Magistrate,  
Dalhousie, District Chamba.



ब अदालत श्री नर सिंह, अधिशासी दण्डाधिकारी, चुराह, जिला चम्बा (हि० प्र०)

श्री अम्बो पुत्र नूर सैन, गांव धार पल्डा, मरगना लोहटिकरी, तहसील चुराह, जिला चम्बा (हि० प्र०) प्रार्थी ।

बनाम

ग्राम जनता

विषय :—प्रार्थना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 ।

श्री अम्बो पुत्र नूर सैन, निवासी उपरोक्त ने इस अदालत में एक प्रार्थना-पत्र गुजारा है कि उसने अपने निम्नलिखित बच्चों को ग्राम पंचायत अभिलेख भराड़ा में पंजीकृत नहीं करवाया है जिसे अब वह जन्म एवं मृत्यु पंजीकरण अधिनियम, 1959 के अन्तर्गत दर्ज करवाने हेतु प्रार्थना करता है ।

1. मुराद अली पुत्र प्रार्थी खुद आयु 6-6-2000
2. हनीफ मुहमद पुत्र प्रार्थी खुद आयु 31-12 2001

अतः सर्वसाधारण जनता को इस इशतहार द्वारा सूचित किया जाता है कि उपरोक्त बच्चों के नाम पंजीकरण बारा अगर किसी भी व्यक्ति को किसी भी प्रकार का कोई उजर व एतराज हो तो वह दिनांक 11-10-2002 को प्रातः 10.00 बजे इस अदालत मुकाम भंजराडू में वकालतन या असालतन हाजिर आकर अपना उजर व एतराज प्रस्तुत कर सकता है इसके पश्चात किसी भी प्रकार का उजर से एतराज काबले समायत न होगा एवं उपरोक्त बच्चों के नाम पंजीकरण बारा आदेश अदालत से जारी कर दिये जायेंगे ।

आज दिनांक 25-8-2002 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया ।

मोहर ।

नर सिंह,  
अधिशासी दण्डाधिकारी,  
चुराह, तहसील चुराह, जिला चम्बा,  
(हि० प्र०) ।

ब अदालत श्री बी० आर० चन्देल, सहायक समाहर्ता प्रथम श्रेणी पांगी, तहसील पांगी, जिला चम्बा, हिमाचल प्रदेश

मुकदमा नम्बर

तारीख फैसला

गोविन्द चन्द पुत्र मान चन्द, निवासी रेई, परगना साचत, तहसील पांगी, जिला चम्बा, हिमाचल प्रदेश ।

बनाम

ग्राम जनता

प्रार्थना-पत्र वगैरें दस्तुती नाम राजस्व अभिलेख :

प्रार्थी श्री गोविन्द चन्द पुत्र मान चन्द, निवासी गांव रेई, परगना साच, तहसील पांगी, जिला चम्बा, हिमाचल प्रदेश ने इस न्यायालय में दिनांक 29-8-2002 को एक प्रार्थना-पत्र दिया है कि राजस्व अभिलेख में उसका नाम गृहलु लिखा है जो गलत है वास्तव में प्रार्थी का असल नाम मुताबिक नकल परिवार रजिस्टर के पृष्ठ भाग-1 के अनुसार गोविन्द चन्द दर्ज है । जिसका पुष्टि इस कार्यालय/न्यायालय द्वारा प्राप्त ब्यान हल्फी व नकल परिवार रजिस्टर पंचायत सहायक ग्राम पंचायत रेई के कार्यालय में है, से भी करवाई गई जो सही पाई गई । अब इस न्यायालय को विश्वास हो गया है कि गोविन्द चन्द का असल नाम यही है ।

अतः ग्राम जनता को इस इशतहार द्वारा सूचित किया जाता है कि गोविन्द चन्द जिसका नाम राजस्व अभिलेख में गृहलु है को दस्तुत करने हेतु प्रार्थना-पत्र इस कार्यालय में गुजारा है व वचारा-ओन है । के बारा याद ग्राम जनत को कोई एतराज हो तो वह

दिनांक 5-10-2002 से पहले इस कार्यालय/न्यायालय में हाजर आकर अपनी अपति असालतन व वकालतन पेश कर सकते हैं । अन्यथा कार्यवाही एकतरफा अमल में लाई जाएगी । और नाम की दस्तुती मुताबिक परिवार रजिस्टर का नकल कर दी जाएगी ।

आज दिनांक 2-9 2002 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर ।

बी० आर० चन्देल,  
सहायक समाहर्ता प्रथम श्रेणी,  
पांगी, तहसील पांगी, जिला चम्बा, (हि० प्र०) ।

ब अदालत श्री सीता राम भाटिया, तहसीलदार एवं कार्यकारी दण्डाधिकारी, बड़सर, जिला हमीरपुर (हि० प्र०)

श्री गोरख राम पुत्र श्री हनु राम, टीका व तप्पा ननावा, तहसील बड़सर, जिला हमीरपुर ।

बनाम

1. ग्राम जनता, 2. सचिव ग्राम पंचायत ननावा

विषय. प्रार्थना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम ग्राम जनता ।

श्री गोरख राम पुत्र श्री हनु, वासी टीका व तप्पा ननावा, तहसील बड़सर, जिला हमीरपुर (हि० प्र०) ने अपने पण्य-पत्र सहित प्रार्थना-पत्र दायर किया है कि उसके भतीजे सन्दीप कुमार पुत्र श्री सुरेश चन्द का जन्म तिथि 25-11-1999 को अपने गांव में हुआ है लेकिन अज्ञानतावश वह अपने भतीजे की जन्म तिथि ग्राम पंचायत रिकार्ड में दर्ज न करवा सका । अतः सचिव, ग्राम पंचायत ननावा को इसे पंजीकृत किये जाने बारे आदेश दिये जायें ।

इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को उपरोक्त लड़के की जन्म तिथि पंजीकृत करने पर कोई उजर/एतराज हो तो वह इस अदालत में दिनांक 4-10-2002 को असालतन या वकालतन हाजिर आकर एतराज पेश कर सकता है अन्यथा मुताबिक पण्य-पत्र जन्म तिथि पंजीकृत किये जाने बारे आदेश पारित कर दिये जायेंगे ।

आज दिनांक 7-9-2002 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी किया गया ।

मोहर ।

सीता राम भाटिया,  
तहसीलदार एवं कार्यकारी दण्डाधिकारी,  
बड़सर, जिला हमीरपुर (हि० प्र०) ।

ब अदालत जनाब सहायक समाहर्ता, प्रथम श्रेणी, बैजनाथ एवं भू-सुधार अधिकारी बैजनाथ

मुकदमा नं० 482/इस्तकाल

अनुवान : इस्तकाल बारे ।

जीवन राम पुत्र लीतडू राम, वासी हडेड़ तहसील बैजनाथ ।

बनाम

ग्राम जनता

नापता पति की बरास्त का इस्तकाल पुत्र के नाम दर्ज करवाने बारे ।

नोटिस बनाम ग्राम जनता ।

उमिला देवी पत्नी जीवन राम पुत्र लीतडू राम, वासी हडेड़ ने इस न्यायालय में दरखवास्त गुजारी है कि उसका पति जीवन लाल पुत्र लीतडू राम, वासी हडेड़ अर्था 14 वर्ष से लापता है तलाश करने की पूरी कोशिश की किन्तु कोई पता न लगा ।

यह कि इस अवधि के मध्य न तो उसका कोई पत्र आया न ही किसी व्यक्ति से कोई जानकारी मिली। प्राक्ती को अपने पति के जीवित या मृत्यु की कोई जानकारी न है न ही जीवित होने कि सम्भावना है जायदाद पति के नाम है। कोई भी सहायता लेने हेतु सम्पत्ति की रिपोर्ट जरूरी है जिससे प्राक्ती को कठिनाई हो रही है।

अतः इस नोटिस के माध्यम से समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को जीवन लाल की बराबर का इन्तकाल नरेश कुमार पुत्र व श्रीमती उर्मिला देवी पत्नी व नरो देवी माता जीवन लाल के नाम दर्ज करवाने बारे कोई उजर एवं आपत्ति हो तो वह दिनांक 7-10-2002 को प्रातः 10.00 बजे स्वयं अथवा असातन या वकालतन इस अदालत में हाजिर आकर पेश करें अन्यथा एकतरफा कार्यवाही अमल में लाई जाकर इन्तकाल दर्ज कर दिया जायेगा।

आज दिनांक 2-8-2002 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

हस्ताक्षरित/-  
भूमि सुधार अधिकारी,  
बैजनाथ (हि0प्र0)।

व अदालत श्री जयदीश राम, तहसीलदार एवं कार्यकारी दण्डाधिकारी  
खुडिया, जिला कांगड़ा (हि0प्र0)

मुकद्दमा नाम दहस्ती तारीख पेशी 7-12-2002

श्री दया राम पुत्र श्री डोंजा राम, महाल निवासी नलोटी,  
मोजा घुठियालता, तहसील खुडिया, जिला कांगड़ा ... प्रार्थी।

बनाम

ग्राम जनता

प्रार्थना-पत्र नाम दहस्ती दया राम के स्थान पर जय राम पुत्र डोंजा राम के सम्बन्ध में।

श्री दया राम पुत्र श्री डोंजा राम, गांव नलोटी, मोजा घुठियालता, तहसील खुडिया, जिला कांगड़ा ने इस अदालत में शपथ प्रार्थना-पत्र दायर किया है कि इसका नाम राजस्व भू-अभिलेख में जय राम पुत्र डोंजा राम दर्ज है। जबकि वास्तव में उसका नाम दया राम पुत्र डोंजा राम है। उसे दहस्ती किया जाए।

अतः इस इशतहार द्वारा समस्त जनता को सूचित किया जाता है कि इस नाम की दहस्ती बारे किसी को किसी किस्म का कोई एतराज हो तो वह दिनांक 7-10-2002 को इस अदालत में प्रातः 10.00 बजे असातन/वकालतन हाजर होकर पैरवी कर सकता है तथा निश्चित तिथि पर कोई आपत्ति प्रस्तुत न करने पर एकतरफा कार्यवाही अमल में लाई जाएगी।

आज दिनांक 6-9-2002 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी किया गया।

मोहर।

जयदीश राम,  
तहसीलदार एवं कार्यकारी दण्डाधिकारी,  
खुडिया, जिला कांगड़ा (हि0प्र0)।

व अदालत श्री बी0 आर0 कपिल, कार्यकारी दण्डाधिकारी,  
शाहपुर, जिला कांगड़ा (हि0प्र0)

श्रीमती शीला देवी पत्नी जैशी राम, निवासी झुलाड़, तहसील  
शाहपुर जिला कांगड़ा।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु रजिस्ट्रीकरण  
अधिनियम, 1969.

श्रीमती शीला देवी पत्नी श्री जैशी राम, निवासी झुलाड़, तहसील शाहपुर, जिला कांगड़ा ने इस न्यायालय में एक दरखास्त दी है कि उसके पोते रोहित पुत्र कर्म चन्द का नाम पंचायत रजिस्टर में दर्ज न करवाया जा सका है, अब दर्ज करवाया जावे। उसके पोते का जन्म तिथि 22-12-1989 है। तथा बच्चे का जन्म स्थान झुलाड़/शाहपुर है।

अतः इस इशतहार राजपत्र, हिमाचल प्रदेश द्वारा ग्राम जनता को सूचित किया जाता है कि यदि इस बारे किसी को कोई उजर व एतराज हो तो वह दिनांक 7-10-2002 को प्रातः 10.00 बजे असातन या वकालतन उपस्थित आकर प्रस्तुत कर सकता है। बाद गुजरने मियाद कोई भी उजर एतराज समाप्त न होगा रोहित की जन्म तिथि पंचायत अभिलेख में दर्ज करने के आदेश पारित कर दिए जायेंगे।

आज दिनांक 7-9-2002 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

माहर।

बी0 आर0 कपिल,  
कार्यकारी दण्डाधिकारी,  
शाहपुर, जिला कांगड़ा, हिमाचल प्रदेश।

व अदालत श्री आर0 के0 पक्षी, उप-मण्डल मैजिस्ट्रेट (मैरिज  
ऑफिसर) चच्योट स्थित गोहर, जिला मण्डी, हिमाचल प्रदेश

व मुकद्दमा :

1. श्री राजेन्द्र कुमार पुत्र सुरत राम, निवासी गांव बुगं, डाकघर  
जंजहली, तहसील थुनाग, जिला मण्डी, हिमाचल प्रदेश।

2. श्रीमती खिला देवी पुत्री जय किशन, निवासी निहरी बजों,  
तहसील थुनाग, जिला मण्डी (हि0प्र0)।

बनाम

ग्राम जनता

विषय:—प्रार्थना-पत्र जेर धारा 15 विशेष विवाह अधिनियम,  
1954.

श्री राजेन्द्र कुमार पुत्र सुरत राम, निवासी गांव बुगं, डाकघर  
जंजहली, तहसील थुनाग, जिला मण्डी व श्रीमती खिला देवी पुत्री जय  
किशन, निवासी गांव निहरी बजों, तहसील थुनाग, जिला मण्डी ने इस  
अदालत में एक प्रार्थना-पत्र गुजारा है कि उन्होंने हिन्दू रीति-रिवाज  
अनुसार दिनांक 21-3-2001 को मुकाम शन्दीर वाला नारायण में  
शादी कर ली है तथा उस दिन ने वह दोनों पति-पत्नी के रूप में रह  
रहे हैं तथा अब इस शादी को पंजीकृत करके प्रमाण-पत्र दिया  
जावे।

अतः इस इशतहार द्वारा सर्वजनता व सम्बन्धित रिश्तेदारों  
को सूचित किया जाता है कि अगर उन्हें इस शादी को पंजीकृत  
करने बारे कोई उजर व एतराज हो तो वह अपना एतराज दिनांक  
4-10-2002 से पूर्व असातन व वकालतन इस अदालत में हाजिर  
आकर पेश करें अन्यथा विवाह को पंजीकृत कर दिया जायेगा।

आज दिनांक 4-9-2002 को मेरे हस्ताक्षर व मोहर अदालत  
से जारी किया गया।

मोहर।

आर0 के0 पक्षी,  
उप-मण्डल मैजिस्ट्रेट,  
चच्योट स्थित गोहर जिला मण्डी, (हि0प्र0)।

व अदालत श्री के० एस० ठाकुर, सहायक समाहर्ता द्वितीय श्रेणी, निहरी, उप-तहसील निहरी, जिला मण्डी (हि० प्र०)

श्री धनी राम व हरि राम पुत्रगण मंगलू पुत्र भून्द, निवासी महाल भ्याणा, डाकघर झुग्गी, उप-तहसील निहरी, जिला मण्डी (हि० प्र०)।

बनाम

श्री सुन्दर पुत्र श्रीमती ईश्वरी, श्रीमती कन्ती, श्रीमती मखमली पुत्रियां देव राज व श्रीमती कौरा पुत्री व दिना नाथ, प्रकाश चन्द चमन लाल पुत्रगण व श्रीमती रमा विधवा देवी रूप पुत्र हरि राम, निवासी मकान नं० 49/1, नगर मण्डी, बंगला मुहाल, तहसील सदर जिला मण्डी (हि० प्र०)।

इत्तकाल नम्बर 165 वाक्या महाल भ्याणा के दस्तीक बारे।

हरगाह,

मुकद्दमा उनवान वाला में इत्तकाल नम्बर 165 वाक्या महाल भ्याणा, उप-तहसील निहरी, बहक धनी राम व हरि राम पुत्रगण मंगल, निवासी महाल भ्याणा, उप-तहसील निहरी के पक्ष में दर्ज है क्योंकि प्रतिवादीगण सुन्दर पुत्र श्रीमती ईश्वरी, श्रीमती कन्ती, श्रीमती मखमली पुत्रियां देव राज व श्रीमती कौरा पुत्री व दिना नाथ, प्रकाश चन्द, चमन लाल पुत्रगण व श्रीमती रमा विधवा देवी रूप पुत्र हरि राम, निवासी नगर मण्डी, मकान नं० 49/1, बंगला मुहाला नगर मण्डी, तहसील, सदर, जिला मण्डी (हि० प्र०) बार-बार इतलाह देने पर भी त्राये इत्तकाल तस्दीक करने हाजिर नहीं हो रहे हैं।

अतः इस इश्तहार के माध्यम से उपरोक्त प्रतिवादीगणों को सूचित किया जाता है कि वह इस इश्तहार के प्रकाशन होने के एक माह के अन्दर-अन्दर असालतन या वकालतन मुकाम पटवार खाना जाहर उप-तहसील निहरी में दिनांक 10-10-2002 को सुबह 10.00 बजे हाजर आवें हाजर न आने की सूत में कार्यवाही यक तरफा अमल में लाई जाएगी।

आज दिनांक 19-9-2002 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

के० एस० ठाकुर,  
सहायक समाहर्ता द्वितीय श्रेणी,  
निहरी, उप-तहसील निहरी, जिला मण्डी,  
(हि० प्र०)।

व अदालत श्री के० आर० शर्मा, तहसीलदार एवं कार्यकारी दण्डाधिकारी, पधर, जिला मण्डी (हि० प्र०)

लौंगू राम

बनाम

ग्राम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम ग्राम जनता।

श्री लौंगू राम पुत्र श्री गुहिया राम, निवासी माणा, डाकघर पाली, तहसील पधर, जिला मण्डी, हिमाचल प्रदेश ने इस अदालत में प्रार्थना-पत्र में प्रस्तुत किया गया है कि ग्राम पंचायत पाली के अभिलेख में उसकी आयु वर्ष 1948 दर्शाई गई है तारीख, महीना व वर्ष नहीं दर्शाया गया है जबकि उसकी जन्म तिथि 27-8-1948 है। अतः प्रार्थी ने निवेदन किया है कि ग्राम पंचायत पाली के अभिलेख में उसकी वास्तविक जन्म तिथि एवं साल अर्थात् 27-8-1948 दर्ज करवाने का आदेश पारित कर दिए जावें।

अतः ग्राम जनता को इस इश्तहार द्वारा सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त प्रविष्टि के बारे में कोई एतराज हो तो वह दिनांक 4-10-2002 को प्रातः 10.00 बजे या उससे पूर्व अदालत हुआ में असालतन या वकालतन हाजिर आकर अपना एतराज पेश कर सकता है। निर्धारित अवधि के अन्दर कोई भी आपत्ति पत्र प्राप्त न होने की सूत में प्रार्थी के प्रार्थना-पत्र पर नियमानुसार कार्यवाही अमल में लाई जाएगी।

आज दिनांक 17-9-2002 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

के० आर० शर्मा,  
तहसीलदार एवं कार्यकारी दण्डाधिकारी,  
पधर, जिला मण्डी, हिमाचल प्रदेश।

व अदालत एस० एल० वंसल, सहायक समाहर्ता द्वितीय श्रेणी, तहसील सदर, जिला मण्डी (हि० प्र०)।

नाम दावा : दहस्ती नाम।

व मुकद्दमा :

श्रीमती चन्द्र कला उर्फ रामकली पत्नी स्व० लालमन, निवासी अप्पर समखेतन, तहसील सदर, जिला मण्डी (हि० प्र०) ... प्रार्थिया।

बनाम

ग्राम जनता

... प्रत्यार्थीगण।

प्रार्थना-पत्र बराए दहस्ती नाम बारे।

श्रीमती चन्द्रकला प्रार्थिनी ने प्रार्थना-पत्र प्रस्तुत किया है कि उसका नाम राजस्व रिकार्ड में चन्द्रकला के बजाए रामकली गलत दर्ज चला आ रहा है। जिसकी दहस्ती हेतु उसने इस न्यायालय में प्रार्थना-पत्र प्रस्तुत किया है कि इस नाम की दहस्ती में यदि किसी व्यक्ति को कोई आपत्ति हो तो वह दिनांक 10-10-2002 को सुबह 10.00 बजे असालतन या वकालतन हाजिर आकर प्रस्तुत कर सकता है। बाद गुजरने मियाद कोई भी उजर या एतराज काबिले समायत न होगा तथा नियमानुसार प्रार्थिनी के राजस्व रिकार्ड में नाम दहस्ती हेतु आदेश जारी कर दिए जाएंगे तथा कोई भी उजर काबिले समायत न होगा।

आज दिनांक 11-9-2002 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

एस० एल० वंसल,  
सहायक समाहर्ता द्वितीय श्रेणी,  
तहसील सदर, जिला मण्डी (हि० प्र०)।

व अदालत श्री एस० एल० वंसल, सहायक समाहर्ता द्वितीय श्रेणी, तहसील सदर, जिला मण्डी, हिमाचल प्रदेश

श्री दलीप सिंह पुत्र श्री नोखा राम, निवासी ढावण, तहसील सदर, जिला मण्डी, हिमाचल प्रदेश

बनाम

ग्राम जनता

प्रत्यार्थी।

श्री जसपाल पुत्र दलीप सिंह, निवासी ढावण, तहसील सदर ने इस अदालत में दरखास्त गुजारी है कि उसके पिता का सही नाम दलीप सिंह है जो कि भू-राजस्व अभिलेख में गलती से सलीप दर्ज हुआ है जिसकी दहस्ती हेतु प्रार्थना-पत्र प्रस्तुत किया है।

अतः बरगिया इश्तहार सर्वसाधारण जनता को सूचित किया जाता है कि उपरोक्त श्री दलीप सिंह के नाम दहस्ती बारा अगर किसी भी व्यक्ति को किसी भी प्रकार का कोई उजर या एतराज हो तो वह दिनांक 10-10-2002 को अपना उजर/एतराज

असालतन या वकालतन इस अदालत में आकर पेश कर सकता है। इसके पश्चात् किसी भी प्रकार का उजर व एतराज काबिले समायत न होगा एवं उपरोक्त के नाम दस्तुती बारा आदेश जारी कर दिए जाएंगे।

आज दिनांक 29-7-2002 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

एस0 एल0 बन्सल,  
सहायक समाहर्ता द्वितीय श्रेणी,  
तहसील सदर, जिला मण्डी (हि0 प्र0)।

ब अदालत श्री एस0 एल0 बन्सल, सहायक समाहर्ता द्वितीय श्रेणी,  
तहसील सदर, जिला मण्डी

श्री सिरि राम पुत्री भूरी सिंह, निवासी सपरेई, डाकघर  
शिवावदार, तहसील सदर, जिला मण्डी (हि0 प्र0) प्रार्थी।

बनाम

आम जनता

प्रत्यर्थापण।

श्री सिरि राम पुत्र श्री भूरी सिंह, गांव सपरेई, डाकघर  
शिवावदार, तहसील सदर ने इस अदालत में दरखास्त गुजारी है  
कि उसका सही नाम सिरि राम है जोकि भू-राजस्व अभिलेख में  
श्वती से हरी सिंह दर्ज हुआ है जिसकी दस्तुती हेतु प्रार्थना-पत्र  
प्रस्तुत किया है।

अतः बजरिया इश्तहार सर्वसाधारण जनता को सूचित किया  
जाता है कि उपरोक्त श्री सिरि राम के नाम की दस्तुती बारा अगर  
किसी भी व्यक्ति को किसी भी प्रकार का कोई उजर या एतराज  
हो तो वह दिनांक 10-10-2002 को अपने उजर या एतराज असाल-  
तन या वकालतन इस अदालत मुकाम मण्डी में आकर पेश कर सकता  
है। इसके पश्चात् किसी भी प्रकार का उजर/एतराज काबिले समायत  
न होगा एवं उपरोक्त के नाम दस्तुतीबारा आदेश जारी कर दिये  
जायेंगे।

आज दिनांक 29-7-2002 को मेरे हस्ताक्षर व मोहर अदालत से  
जारी हुआ।

मोहर।

एस0 एल0 बन्सल,  
सहायक समाहर्ता द्वितीय श्रेणी,  
तहसील सदर, जिला मण्डी (हि0 प्र0)।

**In the Court of Sub-Judge 1st Class, Rampur Bushahr.,  
District Shimla, Himachal Pradesh**

Case No. 38-1 of 2002.

**In Re :—**

Ram Singh s/o Shri Rattan Singh, r/o Village Sara-  
han, Tehsil Rampur, District Shimla, Himachal Pradesh  
.. Plaintiff.

**Versus**

1. General Public,

2. The Himachal Pradesh School Education Board  
through its Secretary, Dharamshala, District Kangra,  
Himachal Pradesh .. Defendant.

**To**

The General Public.

Whereas in the above noted case, plaintiff has filed  
the case in this court for declaration declbring that the  
name of the plaintiff is Rattan Singh instead of Pasang  
Chhering with consequential relief of mandatory injunc-  
tion directing the defendant No. 2 to correct the name  
of the father of the plaintiff in school records and  
certificates issued by the school in favour of the plain-  
tiff and the same is fixed for 8-10-2002 for the service  
of defendant.

Hence, this proclamation under order 20 rule 5 C PC  
is hereby issued against the above noted defendant  
(General Public) to appear before this Court on  
8-10-2002 at 10.00 A. M. personally or through autho-  
rised agent for pleader to defend the case, failing  
which the above noted defendant shall be proceeded  
against *ex parte*.

Given under my hand and the seal of the Court,  
today this 31st day of August, 2002.

Seal.

PADAM SINGH,  
Sub-Judge 1st Class,  
Rampur Bushahr (H. P.).

Proclamation under order 5, Rule 20, CPC

**In the Court of Motor Accident Claim Tribunal (I),  
Shimla**

MAC petition No. 59-S/2 of 1908.

**In case :**

Miss Ruchi, minor daughter of Shri Attar Singh,  
son of Shri Bansi Lal, resident of village Melthi, Post  
Office Pujarli, Tehsil Rohru, District Shimla, through  
her father and natural guardian Shri Attar Singh.

.. Petitioner.

**Versus :**

1. The Managing Director, Himachal Road Trans-  
port Corporation, Shimla.

2. The Regional Manager, H.R.T.C. Tara Devi,  
Shimla.

2. Shri Tej Ram, Driver, Bus No. HP-07-1284,  
Shimla.

.. Respondents.

Claim petition u/s 166 M.V. Act for grant of  
compensation on account of injuries sustained  
by the petitioner in accident of bus No. H.P.-  
07-1284 near Gumma on dated 23-9-1997 at  
about 2.30 P.M., Tehsil Kotkhai, District Shimla.

**To**

Shri Tej Ram, Driver,  
Bus No. HP-07-1284,  
Shimla.

Whereas in the above noted case, it has been proved  
to satisfaction of the court that above named respon-  
dent is avoiding service of summons and cannot be  
served in the ordinary way. Hence this proclamation  
is hereby issued against him to appear in this court  
on 8-10-2002 at 10 A.M. to defend the case personally  
or through an authorised agent or pleader failing  
which *ex parte* proceedings will be taken against him.

Given under my hand and seal of the court this 22nd  
day of August, 2002.

Seal.

Sd/-  
Motor Accident Claim Tribunal (I),  
Shimla (H.P.)

ब अदालत श्री पुष्पेन्द्र राजपूत, उप-मण्डल दण्डाधिकारी (ग्रा०),  
शिमला, जिला शिमला, हिमाचल प्रदेश

ब अदालत श्री टी० जी० नेगी, उप-मण्डल मैजिस्ट्रेट, अर्की, जिला  
सोलन, हिमाचल प्रदेश

श्री सुरज दत्त शर्मा पुत्र श्री स्व० गंगाधर शर्मा, निवासी ग्राम  
गुलबानी, डाकघर देवला, तहसील सुन्नी, जिला शिमला ।

श्री नरेन्द्र कुमार पुत्र श्री मथरा दाम, निवासी गांव हरदेवपुरा,  
(जुबना) डाकघर कुनिहार, तहसील अर्की, जिला सोलन, हिमाचल  
प्रदेश ।

बनाम

बनाम

ग्राम जनता

ग्राम जनता

प्रतिवादी ।

प्रार्थना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण  
अधिनियम, 1969 बाबत नाम व जन्म तिथि पंचायत अभिलेख में  
दर्ज करने बारा ।

प्रार्थना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम,  
1969.

श्री सुरज दत्त शर्मा ने इस अदालत में एक आवेदन-पत्र इस  
आशय के साथ गुजारा है कि उसके पिता श्री गंगाधर शर्मा  
की मृत्यु तिथि 11-5-1998 को हुई है जो ग्राम पंचायत देवला के  
अभिलेख में दर्ज नहीं है । अब दर्ज की जावे ।

प्रार्थी उपरोक्त ने इस अदालत में प्रार्थना-पत्र दिया है कि उसकी  
पुत्री कोमल चौधरी का जन्म दिनांक 5-1-2000 को हुआ था लेकिन  
ग्राम पंचायत के अभिलेख में उसका नाम व जन्म तिथि दर्ज न है, अब  
दर्ज किये जाने के आदेश जारी किये जायें ।

अतः इस अदालती इशतहार द्वारा सर्वसाधारण को सूचित किया  
जाता है कि यदि किसी को भी उक्त आवेदक के पिता के देहान्त की  
तिथि उनकी ग्राम पंचायत देवला के अभिलेख में दर्ज करने में कोई  
आपत्ति हो तो वह अपना आपत्तिनामा दिनांक 8-10-2002 तक या  
उससे पहले इस अदालत में हाजिर होकर प्रस्तुत कर सकता है अन्यथा  
सचिव ग्राम पंचायत सम्बन्धित को देहान्त उनकी पंचायत के अभिलेख  
में दर्ज करने के आदेश पारित कर दिये जायेंगे ।

अतः इस इशतहार राजपत्र, हिमाचल प्रदेश द्वारा ग्राम जनता को  
सूचित किया जाता है कि यदि इस बारे किसी व्यक्ति को कोई उजर व  
एतराज हो तो वह दिनांक 5-10-2002 को प्रातः 10 बजे अदालत  
या बकालत उपस्थित आकर प्रस्तुत कर सकता है । बाद गुजरने मियाद  
कोई भी उजर या एतराज काबिले ममायत न होगा तथा कोमल  
चौधरी की जन्म तिथि पंचायत अभिलेख में दर्ज करने के आदेश  
पारित कर दिये जायेंगे ।

आज दिनांक 9-9-2002 को मेरे हस्ताक्षर व मोहर अदालत  
से जारी हुआ ।

आज दिनांक 5-9-2002 को हमारे हस्ताक्षर व मोहर अदालत  
से जारी हुआ ।

मोहर । पुष्पेन्द्र राजपूत,  
उप-मण्डल दण्डाधिकारी, शिमला (ग्रा०)  
शिमला, हिमाचल प्रदेश ।

मोहर । टी० जी० नेगी,  
उप-मण्डल मैजिस्ट्रेट अर्की,  
जिला सोलन, हिमाचल प्रदेश ।

कार्यालय श्री के० डी० प्रेमो, कार्यकारी दण्डाधिकारी, शिलाई,  
जिला सिरमौर, हिमाचल प्रदेश

श्री सोभा राम पुत्र प्रितम, ग्राम कुसैण, तहसील शिलाई,  
जिला सिरमौर, हिमाचल प्रदेश वादी ।

ब अदालत श्री अरुनीश शर्मा, नायब तहसीलदार व अख्यार सहायक  
कुलैक्टर द्वितीय श्रेणी, भरवाई, जिला ऊना, हिमाचल प्रदेश

श्री गुरपाल सिंह पुत्र श्री रसीला राम, गांव गगरेट, सद-  
तहसील भरवाई, जिला ऊना, हिमाचल प्रदेश वादी ।

बनाम

बनाम

ग्राम जनता प्रतिवादी ।

ग्राम जनता

दरखास्त दस्तुती पंचायत अभिलेख में ।

विषय :—

नोटिस बनाम ग्राम जनता ।

दरखास्त वराये दस्तुती नाम राजस्व रिकार्ड करने बारे ।

श्री सोभा राम पुत्र, प्रितम, ग्राम कुसैण, तहसील शिलाई,  
ने इस कार्यालय में एक प्रार्थना-पत्र प्रस्तुत किया है कि मिस्टर  
अनिल शर्मा मेरे बड़े भाई शावण राम पुत्र प्रितम, निवासी कुसैण का  
हकीकीलडका है परन्तु मिस्टर अनिल शर्मा पंचायत अभिलेख में मेरे  
नाम दर्ज हैं । जो कि गलत है तथा उनका दस्तुत करने के आदेश  
दिए जाएं ।

श्री गुरपाल सिंह प्रार्थी ने प्रार्थना-पत्र प्रस्तुत किया है कि उसका  
नाम राजस्व रिकार्ड में कुलदीप सिंह के बजाये गुरपाल सिंह पुत्र  
श्री रसीला राम गलत दर्ज चला आ रहा है जिसकी दस्तुती हेतु  
उसने व्यान हल्फियां तसदीक शुद्धा आवेदन पत्र प्रस्तुत किया है कि  
प्रार्थी द्वारा प्रस्तुत मैट्रिक/माध्यमिक पाठशाला का प्रमाण-पत्र की  
छाया प्रति से भी यही साबित होता है कि प्रार्थी का नाम गुरपाल  
सिंह पुत्र रसीला राम है जिसकी दस्तुती में यदि किसी व्यक्ति को कोई  
आपत्ति हो तो वह इस इशतहार के प्रकाशन के उपरान्त एक माह  
के अन्दर उज्जर पेश कर सकता है । बाद गुजरने अवधि नियमानुसार  
प्रार्थी के राजस्व रिकार्ड में नाम दस्तुती हेतु आदेश जारी कर दिया  
जायेगा तथा कोई भी उजर काबिले समायत नहीं होगा ।

अतः इस नोटिस द्वारा ग्राम जनता व सम्बन्धित रिश्तेदारों को  
सूचित किया जाता है कि अगर इस बारे किसी भी व्यक्ति को  
कोई उजर या एतराज हो तो वह दिनांक 5-10-2002 से पूर्व  
इस कार्यालय में प्रस्तुत करें अन्यथा सम्बन्धित पंचायत को  
अभिलेख दस्तुत करने के आदेश जारी कर दिये जायेंगे ।

आज दिनांक 4-9-2002 को मेरे हस्ताक्षर व मोहर अदालत  
से जारी हुआ ।

आज दिनांक 10-9-2002 को हमारे हस्ताक्षर व मोहर अदालत  
से जारी हुआ ।

मोहर । के० डी० प्रेमो,  
कार्यकारी दण्डाधिकारी,  
शिलाई, जिला सिरमौर (हि० प्र०) ।

मोहर । अरुनीश शर्मा,  
नायब तहसीलदार व अख्यार, सहायक  
कुलैक्टर, द्वितीय श्रेणी, भरवाई,  
जिला ऊना, हिमाचल प्रदेश ।

ब अदालत श्री नरेन्द्र शर्मा, रजिस्ट्रेशन एवं मैरिज ऑफिसर, अम्ब,  
जिला ऊना, हिमाचल प्रदेश

विषय :

शादी पंजीकरण प्रमाण-पत्र प्रदान करने बारा ।

अरुण कुमार वनाम ग्राम जनता ।

श्री अरुण कुमार पुत्र श्री रमेश चन्द, गांव गगरेट, डाकघर गगरेट, तहसील अम्ब, जिला ऊना, हिमाचल प्रदेश ने एक दरखास्त प्रस्तुत की है जिसमें उसने लिखा है कि उसकी शादी बन्दना प्राशर सुपुत्रों श्री अमर नाथ शर्मा, गांव मसलाना राजपुर जसवा, तहसील अम्ब, जिला ऊना के साथ दिनांक 4-8-2000 को हुई है का पंजीकरण किया जाकर उसे शादी पंजीकरण प्रमाण-पत्र दिया जावे ।

अतः इस नोटिस के माध्यम से समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को शादी पंजीकरण बारे कोई इतराज/आपत्ति हो तो वह दिनांक 4-10-2002 को प्रातः 10.00 बजे असालतन/वकालतन हाजर होकर पेश करें अन्यथा एकतरफा कार्यवाही अमल में लाई जाकर प्राप्ति को शादी पंजीकरण प्रमाण-पत्र जारी कर दिया जायेगा तथा बाद में कोई उजर काबिजे मयायत न होगा ।

आज दिनांक 9-9-2002 को हमारे हस्ताक्षर एवं मोहर अदालत से जारी हुआ ।

मोहर । नरेन्द्र शर्मा,  
रजिस्ट्रेशन एवं मैरिज ऑफिसर,  
अम्ब, जिला ऊना, हिमाचल प्रदेश ।

ब अदालत तहसीलदार एवं कार्यकारी दण्डाधिकारी, ऊना, जिला ऊना, हिमाचल प्रदेश

मुकद्दमा : जन्म तिथि प्रमाण-पत्र ।

देम राज वनाम ग्राम जनता फीन्ड कलौली ऊना

दरखास्त जेर द्वारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस वनाम ग्राम जनता ।

श्री देम राज पुत्र श्री हमीर चन्द, निवासी फीन्ड कलौली ऊना तहसील व जिला ऊना ने इस न्यायालय में दरखास्त गुजारी है कि उसके पुत्र माहिल कुमार का नाम व जन्म पंचायत रजिस्टर में गलती से दर्ज न करवाया जा सका है और अब दर्ज करवाया जाये । उसके पुत्र की जन्म तिथि 28-6-1999 है तथा जन्म स्थान फीन्ड कलौली ऊना है ।

अतः इस नोटिस के माध्यम से समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को उपरोक्त नाम व जन्म तिथि दर्ज होने में कोई उजर/एतराज हो तो वह इस नोटिस के प्रकाशन होने के पश्चात एक माह के अन्दर-अन्दर असालतन या वकालतन इस अदालत में हाजिर आकर पेश कर सकता है अन्यथा एक तरफा कार्यवाही अमल में लाई जाकर वांछित प्रमाण-पत्र जारी करने के निर्देश सम्बन्धित कार्यालय को दे दिये जाएंगे ।

आज दिनांक 3-9-2002 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर । हस्ताक्षरित/-  
तहसीलदार एवं कार्यकारी दण्डाधिकारी,  
ऊना, तहसील व जिला ऊना (हि० प्र०) ।

ब अदालत तहसीलदार एवं कार्यकारी दण्डाधिकारी, ऊना,  
जिला ऊना, हिमाचल प्रदेश

मुकद्दमा : जन्म तिथि प्रमाण-पत्र ।

श्याम देवी वनाम ग्राम जनता, वसाल ।

दरखास्त जेर द्वारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस वनाम ग्राम जनता ।

श्री श्याम देवी पत्नी श्री पवन कुमार, निवासी गांव वसाल, तहसील व जिला ऊना ने इस न्यायालय में दरखास्त दी है कि उसके पुत्र सनम कुमार का नाम पंचायत रजिस्टर में गलती से दर्ज न करवाया जा सका है और अब दर्ज करवाया जावे । इसके पुत्र की जन्म तिथि 18-6-2000 है तथा जन्म स्थान वसाल है ।

अतः इस नोटिस के माध्यम से समस्त ग्राम जनता तथा सम्बन्धी रिश्तेदारों को सूचित किया जाता है कि यदि किसी को उपरोक्त नाम व जन्म तिथि दर्ज होने में कोई उजर/एतराज हो तो वह इस नोटिस के प्रकाशन होने के पश्चात एक माह के अन्दर-अन्दर असालतन या वकालतन इस अदालत में हाजिर आकर पेश कर सकता है अन्यथा एकतरफा कार्यवाही अमल में लाई जाकर वांछित प्रमाण-पत्र जारी करने के निर्देश सम्बन्धित कार्यालय को दे दिये जाएंगे ।

आज दिनांक 23-8-2002 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर । हस्ताक्षरित/-  
तहसीलदार एवं कार्यकारी दण्डाधिकारी,  
ऊना, तहसील व जिला ऊना, हिमाचल प्रदेश ।

ब अदालत तहसीलदार एवं कार्यकारी दण्डाधिकारी, ऊना,  
जिला ऊना (हि० प्र०)

मुकद्दमा : जन्म तिथि प्रमाण-पत्र ।

राम सिंह वनाम ग्राम जनता ईशपुर ।

दरखास्त जेर द्वारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस वनाम ग्राम जनता ।

श्री राम सिंह पुत्र श्री संसार चन्द, निवासी गांव ईशपुर, तहसील व जिला ऊना ने इस अदालत में दरखास्त दी है कि उसके पुत्र अनूप कुमार का नाम पंचायत रजिस्टर में गलती से दर्ज न करवाया जा सका है और अब दर्ज करवाया जाए । उसके पुत्र की जन्म तिथि 13-9-1996 है तथा जन्म स्थान ईशपुर है ।

अतः इस नोटिस के माध्यम से समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को उपरोक्त नाम व जन्म तिथि दर्ज होने में कोई उजर/एतराज हो तो वह इस नोटिस के प्रकाशन होने के पश्चात एक माह के अन्दर-अन्दर असालतन या वकालतन इस अदालत में हाजिर आकर पेश कर सकता है अन्यथा एक तरफा कार्यवाही अमल में लाई जाकर वांछित प्रमाण-पत्र जारी करने के निर्देश सम्बन्धित कार्यालय को दे दिये जाएंगे ।

आज दिनांक 23-8-2002 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर । हस्ताक्षरित/-  
तहसीलदार एवं कार्यकारी दण्डाधिकारी,  
तहसील व जिला ऊना (हि० प्र०) ।

ब अदालत तहसीलदार एवं कार्यकारी दण्डाधिकारी, ऊना,  
तहसील व जिला ऊना, हिमाचल प्रदेश

मुकदमा : जन्म तिथि प्रमाण-पत्र ।

सुषमा देवी बनाम ग्राम जनता अण्डर वसाल ।

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण  
अधिनियम, 1969.

नोटिस बनाम ग्राम जनता ।

श्रीमती सुषमा देवी पत्नी श्री श्याम लाल, निवासी गांव अण्डर वसाल,  
तहसील व जिला ऊना ने इस न्यायालय में दरखास्त दी है कि  
उसकी पुत्री कुमारी सोनिया का नाम व जन्म पंचायत रजिस्टर  
में गलती से दर्ज न करवाया जा सका है और अब दर्ज करवाया  
जावे । उसकी पुत्री की जन्म तिथि 19-4-1993 है तथा बच्चे  
का जन्म स्थान अण्डर वसाल है ।

अतः इस नोटिस के माध्यम से समस्त ग्राम जनता तथा  
सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को  
उपरोक्त नाम व जन्म तिथि दर्ज होने में कोई उजर/एतराज है तो वह  
इस नोटिस के प्रकाशन होने के पश्चात् एक माह के अन्दर-अन्दर  
असाक्षत या बकालतन इस अदालत में हाजिर आकर पेश कर  
सकता है अन्यथा एक तरफा कार्यवाही अमल में लाई जाकर वांछित  
प्रमाण-पत्र जारी करने के निर्देश सम्बन्धित कार्यालय को दे दिए  
जाएंगे ।

आज दिनांक 3-9-2002 को हस्ताक्षर मेरे व मोहर अदालत  
से जारी हुआ ।

मोहर । हस्ताक्षरित/-  
तहसीलदार एवं कार्यकारी दण्डाधिकारी,  
तहसील व जिला ऊना, हिमाचल प्रदेश ।

ब अदालत तहसीलदार एवं कार्यकारी दण्डाधिकारी, ऊना,  
तहसील व जिला ऊना, हिमाचल प्रदेश

ब मुकदमा : जन्म तिथि प्रमाण-पत्र ।

प्रवीण कुमार बनाम ग्राम जनता पन्जावर ।

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण  
अधिनियम, 1969.

नोटिस बनाम ग्राम जनता ।

श्री प्रवीण कुमार पुत्र श्री जालम राम, निवासी गांव पन्जावर, तहसील  
व जिला ऊना ने इस न्यायालय में दरखास्त गुजारी है कि उसके  
पुत्र अभिषेक का नाम व जन्म पंचायत रजिस्टर में गलती से दर्ज न  
करवाया जा सका है और अब दर्ज करवाया जाये । उसके उपरोक्त पुत्र  
की जन्म तिथि 19-6-2001 है तथा बच्चे का जन्म स्थान पन्जावर है ।

अतः इस नोटिस के माध्यम से समस्त ग्राम जनता तथा सम्बन्धित  
रिश्तेदारों को सूचित किया जाता है कि यदि किसी को उपरोक्त नाम  
व जन्म तिथि दर्ज होने में कोई उजर/एतराज है तो वह इस नोटिस  
के प्रकाशन होने के पश्चात् एक माह के अन्दर-अन्दर असाक्षत या  
बकालतन इस अदालत में हाजिर आकर पेश कर सकता है अन्यथा  
एक तरफा कार्यवाही अमल में लाई जाकर वांछित प्रमाण-पत्र जारी  
करने के निर्देश सम्बन्धित कार्यालय को दे दिए जाएंगे ।

आज दिनांक 5-9-2002 को हस्ताक्षर मेरे व मोहर अदालत से  
जारी हुआ ।

मोहर । हस्ताक्षरित/-  
तहसीलदार एवं कार्यकारी दण्डाधिकारी,  
ऊना, तहसील व जिला ऊना (हि 0 30) ।

ब अदालत तहसीलदार एवं कार्यकारी दण्डाधिकारी, ऊना, जिला ऊना,  
हिमाचल प्रदेश

मुकदमा : प्रायना-पत्र श्री सुरेन्द्र पाल मुपुत्र श्री नसीब चन्द, गांव व  
डाकबाना वसान (अण्डर), तहसील व जिला ऊना द्वारा श्री  
प्यारे लाल मुपुत्र श्री जगदीश राम, वासी बन्जार बाग, भरवाई  
रोड, होशियारपुर (पंजाब) को मोद में दी गई पुत्री कुमारी  
अञ्जना चौधरी के पिता का नाम तब्दील करने बारे ।

सुरेन्द्र पाल बनाम ग्राम जनता ।

नोटिस बनाम ग्राम जनता ।

ग्राम जनता को सूचित किया जाता है कि उपरोक्त प्रार्थी श्री सुरेन्द्र पाल  
ने अदालत हजा में दरखास्त दी है कि उसने अपनी पुत्री कुमारी अञ्जना  
चौधरी (जन्म तिथि 29-6-1996) जन्म स्थान अण्डर वसाल, जिला  
ऊना) को श्री प्यारे लाल पुत्र श्री जगदीश राम, वासी बन्जार बाग भरवाई  
रोड, होशियारपुर (पंजाब) को दिनांक 11-6-2002 को मोद (वज्रिया  
वसीका नं० 193 सब-रजिस्ट्रार होशियारपुर) दिया है । उपरोक्त प्रार्थी  
ने प्रार्थना की है कि ग्राम पंचायत अण्डर वसाल के जन्म एवं मृत्यु  
रजिस्टर की पृष्ठ संख्या 35 दिनांक 29-6-1996 में कुमारी अञ्जना  
चौधरी के पिता अर्धोपट्टि का नाम श्री प्यारे लाल दर्ज कर दिया जाये ।

इस सम्बन्ध में किसी व्यक्ति को उजर/एतराज हो तो वह एक माह  
के भीतर-भीतर इस कार्यालय में हाजिर आकर पेश कर सकता है,  
इसके उपरान्त कोई भी उजर मान्य न होगा ।

आज दिनांक 3-9-2002 को हस्ताक्षर मेरे व मोहर अदालत से जारी  
हुआ ।

मोहर । हस्ताक्षरित/-  
तहसीलदार एवं कार्यकारी दण्डाधिकारी,  
ऊना, जिला ऊना, हिमाचल प्रदेश ।

ब अदालत तहसीलदार एवं कार्यकारी दण्डाधिकारी, ऊना, जिला ऊना,  
हिमाचल प्रदेश

मुकदमा : जन्म तिथि प्रमाण-पत्र ।

मीना कुमारी बनाम ग्राम जनता पन्जावर ।  
दरखास्त जेर धारा (13) 3 जन्म एवं मृत्यु पंजीकरण अधिनियम,  
1969.

नोटिस बनाम ग्राम जनता ।

श्रीमती मीना कुमारी पत्नी श्री ओपिन्द्र सिंह, निवासी गांव पन्जावर,  
तहसील व जिला ऊना ने इस न्यायालय में दरखास्त गुजारी है कि उसके  
पुत्र भरत सिंह का नाम व जन्म पंचायत रजिस्टर में गलती से दर्ज न  
करवाया जा सका है और अब दर्ज करवाया जाए । उसके उपरोक्त पुत्र  
की जन्म तिथि 8-3-1997 है तथा जन्म स्थान पन्जावर है ।

अतः इस नोटिस के माध्यम से समस्त ग्राम जनता तथा सम्बन्धित  
रिश्तेदारों को सूचित किया जाता है कि यदि किसी को उपरोक्त नाम  
व जन्म तिथि दर्ज होने में कोई उजर/एतराज है तो वह इस नोटिस  
के प्रकाशन होने के पश्चात् एक माह के अन्दर-अन्दर असाक्षत या  
बकालतन इस अदालत में हाजिर आकर पेश कर कर सकता है  
अन्यथा एकतरफा कार्यवाही अमल में लाई जाकर वांछित प्रमाण-पत्र  
जारी करने के निर्देश सम्बन्धित कार्यालय को दे दिए जाएंगे ।

आज दिनांक 23-8-2002 को हस्ताक्षर मेरे व मोहर अदालत  
से जारी हुआ ।

मोहर । हस्ताक्षरित/-  
तहसीलदार एवं कार्यकारी दण्डाधिकारी,  
ऊना, जिला ऊना, हिमाचल प्रदेश ।



## भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

LAW DEPARTMENT  
(Legislation)

## NOTIFICATION

Shimla-2, the 1st May, 2001

No. LLR-E (9)-2/2000-Leg-III.—The following Acts enacted by Parliament and published in the Gazette of India, Extra-ordinary, Part-II, Section-I are hereby re-published in the Himachal Pradesh, Rajpatra for the information of the general public:—

Sl. No.	Title	Date of the Gazette of India in which the Acts were published
1	2	3
1.	The Companies (Amendment) Act, 2000 (Act No. 53 of 2000).	14-12-2000
2.	The Central Road Fund Act, 2000 (Act No. 54 of 2000).	27-12-2000
3.	The National Bank for Agriculture and Rural Development (Amendment) Act, 2000 (Act No. 55 of 2000).	30-12-2000
4.	The Juvenile Justice (Care and Protection of Children) Act, 2000 (Act No. 56 of 2000).	30-12-2000

By order,  
Sd/-  
Secretary.

Assented to on 13th December, 2000

## THE COMPANIES (AMENDMENT) ACT, 2000

(ACT NO. 53 OF 2000)

AN

ACT

further to amend the Companies  
Act, 1956

1. *Short title and commencement.*—(1) This Act may be called the Companies (Amendment) Act, 2000.

(2) The provisions of this Act, other than sections 7 and 80, shall come into force at once and sections 7 and 80 shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint.

2. *Amendment of section 2.*—In section 2 of the Companies Act, 1956 (1 of 1956), (hereinafter referred to as the principal Act),—

(a) clause (1) shall be re-numbered as clause (1A) thereof and before the clause as so re-numbered, the following clause shall be inserted, namely:—

“(1) “abridged prospectus” means a memorandum containing such salient features of a prospectus as may be prescribed;”

(b) clauses (3) and (4) shall be omitted;

(c) after clause (12), the following clauses shall be inserted, namely:—

“(12A) “Depository” has the same meaning as in the Depositories Act, 1996 (22 of 1996);

(12B) “derivative” has the same meaning as in clause (aa) of section 2 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956);”

(d) after clause (14), the following clause shall be inserted, namely:—

“(14A) “dividend” includes any interim dividend;”

(e) after clause (15), the following clause shall be inserted, namely:—

“(15A) “employee stock option” means the option given to the whole-time directors, officers or employees of a company, which gives such directors, officers or employees the benefit or right to purchase or subscribe at a future date, the securities offered by the company at a pre-determined price;”

(f) after clause (19), the following clauses shall be inserted, namely:—

“(19A) “hybrid” means any security which has the character of more than one type of security, including their derivatives;”

(19B) “information memorandum” means a process undertaken prior to the filing of a prospectus by which a demand for the securities proposed to be issued by a company is elicited, and the price and the terms of issue for such securities is assessed, by means of a notice, circular, advertisement or document;”

(g) after clause (23), the following clause shall be inserted, namely:—

“(23A) “listed public companies” means a public company which has any of its securities listed in any recognised stock exchange;”

(h) clause (25) shall be omitted;

(i) for clause (30), the following clause shall be substituted, namely:—

“(30) “officer” includes any director, manager or secretary or any person in accordance with whose directions or instructions the Board of directors or any one or more of the directors is or are accustomed to act;”

(j) after clause (31), the following clause shall be inserted, namely:—

“(31A) “option in securities” has the same meaning as in clause (d) of section 2 of the Securities Contracts (Regulation) Act, 1956;” (42 of 1956)

(k) clause (44) shall be omitted.

(l) after clause (45A), the following clause shall be inserted, namely:—

“(45AA) “securities” means securities as defined in clause (h) of section 2 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956), and includes hybrids;”

(m) after clause (46), the following clauses shall be inserted, namely:—

“(46A) “share with differential right” means a share that is issued with differential rights in accordance with the provisions of section 86;”

3. *Amendment of section 3.*—In section 3 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (iii),—

(A) in the opening, for the words “means a company which, by its articles,—” the words “means a company which has a minimum paid-up capital of one lakh rupees or such higher paid-up capital as may be prescribed, and by its articles,—” shall be substituted;

(B) after sub-clause (c), before the proviso, the following clause shall be inserted, namely :—

“(d) prohibits any invitation or acceptance of deposits from persons other than its members, directors or their relatives:”

(ii) for clause (iv), the following clause shall be substituted, namely :—

(iv) “Public Company” means a company which—

(a) is not a private company;

(b) has a minimum paid-up capital of five lakh rupees or such higher paid-up capital, as may be prescribed :

(c) is a private company which is a subsidiary of a company which is not a private company:”

(b) after sub-section (2), the following sub-sections shall be inserted, namely :—

“(3) Every private company, existing on the commencement of the Companies (Amendment) Act, 2000, with a paid-up capital of less than one lakh rupees shall, within a period of two years from such commencement, enhance its paid-up capital to one lakh rupees.

(4) Every public company, existing on the commencement of the Companies (Amendment) Act, 2000, with a paid-up capital of less than five lakh rupees, shall, within a period of two years from such commencement, enhance its paid-up capital to five lakh rupees.

(5) Where a private company or a public company fails to enhance its paid-up capital in the manner specified in sub-section (3) or sub-section (4), such company shall be deemed to be a defunct company within the meaning of section 560 and its name shall be struck off from the register by the Registrar.

(6) A company registered under section 25 before or after the commencement of the Companies (Amendment) Act, 2000 shall not be required to have minimum paid-up capital specified in this section.”

4. *Amendment of section 4.*—In section 4 of the principal Act, in sub-section (2), in clause (b), the words “managing agent, secretaries and treasurers” shall be omitted.

5. *Amendment of section 11.*—In section 11 of the principal Act, in sub-section (5), for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted.

6. *Amendment of section 16.*—In section 16 of the principal Act, in sub-section (3), the words “managing agent, secretaries and treasurers” shall be omitted.

7. *Insertion of new section 17A.*—After section 17 of the principal Act, the following section shall be inserted namely :—

“17A. *Change of registered office within a State.*—

(1) No company shall change the place of its registered office from one place to another

within a State unless such change is conferred by the Regional Director.

(2) The company shall make an application in the prescribed form to the Regional Director for confirmation under sub-section (1).

(3) The confirmation referred to in sub-section (1), shall be communicated to the company within four weeks from the date of receipt of application for such change.

*Explanation.*—For removal of doubts, it is hereby declared that the provisions of this section shall apply only to the companies which change the registered office from the jurisdiction of one Registrar of Companies to the jurisdiction of another Registrar of Companies within the same State.

(4) The company shall file, with the Registrar a certified copy of the confirmation by the Regional Director for change of its registered office under this section, within two months from the date of confirmation, together with a printed copy of the memorandum as altered and the Registrar shall register the same and certify the registration under his hand within one month from the date of filing of such document.

(5) The certificate shall be conclusive evidence that all the requirements of this Act with respect to the alteration and confirmation have been complied with and henceforth the memorandum as altered shall be the memorandum of the company.”

8. *Amendment of section 22.*—In section 22 of the principal Act, in sub-section (2), for the words “one hundred rupees”, the words “one thousand rupees” shall be substituted.

9. *Amendment of section 25.*—In section 25 of the principal Act, in sub-section (10), for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted.

10. *Amendment of section 39.*—In section 39 of the principal Act,—

(a) in sub-section (1), clause (c) shall be omitted ;

(b) in sub-section (2), for the words “fifty rupees”, the words “five hundred rupees” shall be substituted.

11. *Amendment of section 40.*—In section 40 of the principal Act,—

(a) in sub-section (1), the words, brackets, letter and figures “in the agreement referred to in clause (c) of sub-section (1) of section 39 or in any other agreement” shall be omitted ;

(b) in sub-section (2), for the words “ten rupees”, the words “one hundred rupees” shall be substituted.

12. *Amendment of section 43A.*—In section 43A of the principal Act,—

(a) after sub-section (2), the following sub-section shall be inserted, namely :—

“(2A) Where a public company referred to in sub-section (2) becomes a private company on or after the commencement of the Companies (Amendment) Act, 2000, such company shall inform the Registrar that it has become a private company and thereupon the Registration shall substitute the words “private company” for the words “public company” in the name of the company upon the registered and shall also make the necessary alterations in the certificate of incorporation issued to the company and in its memorandum of association within four

weeks from the date of application made by the company.”;

- (b) after sub-section (10), the following sub-section shall be inserted, namely:—

“(11) Nothing contained in this section, except sub-section (2A), shall apply on and after the commencement of the Companies (Amendment) Act, 2000.”.

**13. Amendment of section 44.**—In section 44 of the principal Act,—

- (a) in sub-section (3), for the words “five hundred rupees”, the words “five thousand rupees”, shall be substituted.
- (b) in sub-section (4), for the words “five thousand rupees”, the words “fifty thousand rupees” shall be substituted.

**14. Amendment of section 49.**—In section 49 of the principal Act, in sub-section (9), for the words “five thousand rupees”, the words “fifty thousand rupees” shall be substituted.

**15. Amendment of section 54.**—In section 54 of the principal Act, the words “the managing agent, the secretaries and treasurers”, shall be omitted.

**16. Insertion of new section 55A.**—After section 55 of the principal Act, the following section shall be inserted, namely:—

“55A. *Powers of Securities and Exchange Board of India.*—The provisions contained in sections 55 to 58, 59 to 81 (including sections 68 A 77A and 80A), 108, 109, 110, 112, 113, 116, 117, 118, 119, 120, 121, 122, 206, 206A and 207, so far as they relate to issue and transfer of securities and non-payment of dividend shall,—

- (a) in case of listed public companies;
- (b) in case of those public companies which intend to get their securities listed on any recognized stock exchange in India,

be administered by the Securities and Exchange Board of India ; and

- (c) in any other case, be administered by the Central Government.

*Explanation.*—For removal of doubts, it is hereby declared that all powers relating to all other matters including the matters relating to prospectus, statement in lieu of prospectus, return of allotment, issue of shares and redemption of irredeemable preference shares shall be exercised by the Central Government, the Company Law Board or the Registrar of Companies, as the case may be.”.

**17. Amendment of section 56.**—In section 56 of the principal Act, in sub-section (3), after the second proviso, for the words “five thousand rupees”, the words “fifty thousand rupees” shall be substituted.

**18. Amendment of section 58A.**—In section 58A of the principal Act,—

- (a) in sub-section (6), in clause (a), in sub-clause (ii), —
- (i) for the words “one lakh rupees”, the words “ten lakh rupees” shall be substituted;
- (ii) for the words “five thousand rupees”, the words “fifty thousand rupees” shall be substituted;
- (b) in sub-section (10), for the words “not less than rupees fifty”, the words “not less than rupees five hundred” shall be substituted.

**19. Insertion of new sections 58AA and 58AAA.**—After section 58A of the principal Act, the following sections shall be inserted, namely:—

**58AA. (1) Small depositors.**—Every company, which accepts deposits from small depositors, shall intimate to the Company Law Board any default made by it in repayment of any such deposits or part thereof or any interest thereupon.

- (2) The intimation under sub-section (1) shall—

- (a) be given within sixty days from the date of default;
- (b) include particulars in respect of the names and addresses of each small depositor, the principal sum of deposits due to them and interest accrued thereupon.

*Explanation.*—For removal of doubts, it is hereby declared that the intimation under this section shall be given on monthly basis.

- (3) Where a company has made a default in repayment of any deposit or part thereof or any interest thereupon to a small depositor, the Company Law Board, on receipt of intimation under sub-section (1) shall,—

- (a) exercise on its own motion powers conferred upon it by sub-section (9) of section 58A;
- (b) pass an appropriate order within a period of thirty days from the date of receipt of intimation under sub-section (1);

Provided that the Board may pass order after expiry of the period of thirty days, after giving the small depositors an opportunity of being heard :

Provided further that it shall not be necessary for a small depositor to be present at the hearing of the proceeding under this sub-section.

- (4) No company shall, at any time, accept further deposits from small depositors, unless each small depositor, whose deposit has matured, had been paid the amount of the deposit and the interest accrued thereupon :

Provided that nothing contained in this sub-section shall apply to:—

- (a) any deposit which has been renewed by the small depositor voluntarily; or
- (b) any deposit, whose repayment has become impracticable due to the death of the small depositor or whose repayment has been stayed by a competent court or authority.

- (5) Every company, which has on any occasion made a default in the repayment of a deposit or part thereof or any interest thereupon to a small depositor, shall state, in every future advertisement and application form inviting deposits from the public, the total number of small depositors and amount due to them in respect of which such default has been made.

- (6) Where any interest accrued on deposits of the small depositors has been waived the fact of such waiver shall be mentioned by the company in every advertisement and application form inviting deposits issued after such waiver.

- (7) Where a company had accepted deposits from small depositors and subsequent to such acceptance of deposits, obtains funds by taking a loan for the purposes of its working capital from any bank, it shall first utilise the funds so obtained for the repayment of any deposit or any part thereof or any interest thereupon to the small depositor before applying such funds for any other purpose.

- (8) Every application form, issued by a company to a small depositor for accepting deposits from him, shall contain a statement to the effect that the applicant had been apprised of—

- (a) every past default by the company in the repayment of deposit or interest thereon, if any, such default has occurred ; and

(b) the waiver of interest under sub-section (6), if any, and reasons thereof.

(9) Whoever knowingly fails to comply with the provisions of this section or comply with any order of the Company Law Board shall be punishable with imprisonment which may extend to three years and shall also be liable to fine for not less than five hundred rupees for every day during which such non-compliance continues.

(10) If a company or any other person contravenes, any provision of this section, every person who at the time the contravention was committed was a director of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(11) The provisions of section 58A shall, as far as may be, apply to the deposits made by a small depositor under this section.

*Explanation.*—For the purposes of this section, “a small depositor” means a depositor who has deposited in a financial year a sum not exceeding twenty thousand rupees in a company and includes his successors, nominees and legal representatives.

**58AAA. Default in acceptance or refund of deposits to be cognizable.**—(1) Notwithstanding anything contained in section 621 and 624, every offence connected with or arising out of acceptance of deposits under section 58A or section 58AA shall be cognizable offence under the Code of Criminal Procedure, 1973 (2 of 1974).

(2) No court shall take cognizance of any offence under sub-section (1) except on a complaint made by the Central Government or any officer authorised by it in this behalf.

**20. Amendment of section 59.**—In section 59 of the principal Act, in sub-section (1), for the words “five thousand rupees”, the words “fifty thousand rupees” shall be substituted.

**21. Amendment of section 60.**—In section 60 of the principal Act, in sub-section (5), for the words “five thousand rupees”, the words “fifty thousand rupees” shall be substituted.

**22. Insertion of new sections 60A and 60B.**—After section 60 of the principal Act, the following sections shall be inserted, namely:—

**60A. Shelf prospectus.**—(1) Any public financial institution, public sector bank or scheduled bank whose main object is financing shall file a shelf prospectus.

(2) A company filing a shelf prospectus with the Registrar shall not be required to file prospectus afresh at every stage of offer of securities by it within a period of validity of such shelf prospectus.

(3) A company filing a shelf prospectus shall be required to file an information memorandum on all material facts relating to new charges created, changes in the financial position as have occurred between the first offer of securities, previous offer of securities and the succeeding offer of securities within such time as may be prescribed by the Central Government, prior to making of a second or subsequent offer of securities under the shelf prospectus.

(4) An information memorandum shall be issued to the public along with shelf prospectus filed at the stage of the first offer of securities and such prospectus shall be valid for a period of one year from the date of opening of the first issue of securities under that prospectus:

Provided that where an update of information memorandum is filed every time an offer of securities is made, such memorandum together with the shelf prospectus shall constitute the prospectus.

*Explanation.*—For the purpose of this section,—

(a) “financing” means making loans to, or subscribing in the capital of, a private industrial enterprise engaged in infrastructural financing or such other company as the Central Government may notify in this behalf;

(b) “shelf prospectus” means a prospectus issued by any financial institution or bank for one or more issues of the securities or class of securities specified in that prospectus.

**60B. Information memorandum.**—(1) A public company making an issue of securities may circulate information memorandum to the public prior to filing of a prospectus.

(2) A company inviting subscription by an information memorandum shall be bound to file a prospectus prior to the opening of the subscription lists and the offer as a red-herring prospectus, at least three days before the opening of the offer.

(3) The information memorandum and red-herring prospectus shall carry same obligations as are applicable in the case of a prospectus.

(4) Any variation between the information memorandum and the red-herring prospectus shall be highlighted as variations by the issuing company.

*Explanation.*—For the purposes of sub-section (2), (3) and (4) “red-herring prospectus” means a prospectus which does not have complete particulars on the price of the Securities offered and the quantum of securities offered.

(5) Every variation as made and highlighted in accordance with sub-section (4) above shall be individually intimated to the persons invited to subscribe to the issue of securities.

(6) In the event of the issuing company or the underwriters to the issue have invited or received advance subscription by way of or post-dated cheques or stock-invest, the company or such underwriters or bankers to the issue shall not encash such subscription moneys or post-dated cheques or stock-invest before the date of opening of the issue without having individually intimated the prospective subscribers of the variation and without having offered an opportunity to such prospective subscribers to withdraw their application and cancel their post-dated cheques or stock-invest or return of subscription paid.

(7) The applicant or proposed subscriber shall exercise his right to withdraw from the application on any intimation of variation within seven days from the date of such intimation and shall indicate such withdrawal in writing to the company and the underwriters.

(8) Any application for subscription which is acted upon by the company or underwriters or bankers to the issue without having given enough information of any variations, or the particulars of withdrawing the offer or opportunity for cancelling the post-dated cheques or stock-invest or stop payments for such payments shall be void and the applicants shall be entitled to receive a refund or return of its post-dated cheques or stock-invest or subscription moneys or cancellation of its application, as if the said application had never been made and the applicants are entitled to receive back their original application and interest at the rate of fifteen per cent from the date of encashment till payment of realisation.

(9) Upon the closing of the offer of securities, a final prospectus stating therein the total capital raised, whether by way of debt or share capital and the closing price of the securities and any other details as were not complete in the redherring prospectus shall be filed in a case of a listed public company with the Securities and Exchange Board of India and Registrar, and in any other case with the Registrar only.”

23. *Amendment of section 63.*—In section 63 of the principal Act, in sub-section (1), for the words "five thousand rupees", the words "fifty thousand rupees" shall be substituted.

24. *Amendment of section 67.*—In section 67 of the principal Act,—

(a) in sub-section (3), the following provisos shall be inserted, namely:—

"Provided that nothing contained in this sub-section shall apply in a case where the offer or invitation to subscribe for shares or debentures is made to fifty persons or more ;

Provided further that nothing contained in the first proviso shall apply to the non-banking financial companies or public financial institutions specified in section 4A of the Companies Act, 1956 (1 of 1956)."

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

"(3A) Notwithstanding anything contained in sub-section (3), the Securities and Exchange Board of India shall, in consultation with the Reserve Bank of India, by notification in the Official Gazette, specify the guidelines in respect of offer or invitation made to the public by a public financial institution specified under section 4A or non-banking financial company's referred to in clause (f) of section 45-1 of the Reserve Bank of India Act, 1934 (2 of 1934)."

25. *Amendment of section 68.*—In section 68 of the principal Act, for the words "ten thousand rupees", the words "one lakh rupees" shall be substituted.

26. *Insertion of new section 68B.*—After section 68A of the principal Act, the following section shall be inserted, namely:—

"68B. *Initial offer of securities to be in dematerialised form in certain cases.*—Notwithstanding anything contained in any other provisions of this Act, every listed public company, making initial public offer of any security for a sum of rupees ten crores or more, shall issue the same only in dematerialised form by complying with the requisite provisions of the Depositories Act, 1996 (22 of 1996), and the regulations made thereunder."

27. *Amendment of section 69.*—In section 69 of the principal Act, in sub-section (4), for the words "five thousand rupees", the words "fifty thousand rupees" shall be substituted.

28. *Amendment of section 70.*—In section 70 of the principal Act,—

(a) in sub-section (4), for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted;

(b) in sub-section (5), for the words "five thousand rupees", the words "fifty thousand rupees" shall be substituted.

29. *Amendment of section 72.*—In section 72 of the principal Act, in sub-section (3), for the words "five thousand rupees", the words "fifty thousand rupees" shall be substituted.

30. *Amendment of section 73.*—In section 73 of the principal Act, in sub-sections (2B) and (3), for the words "five thousand rupees", the words "fifty thousand rupees" shall be substituted.

31. *Amendment of section 75.*—In section 75 of the principal Act, in sub-section (4),—

(a) for the words "five hundred rupees", the words "five thousand rupees" shall be substituted;

(b) in the proviso, for the words "five thousand rupees", the words "fifty thousand rupees" shall be substituted.

32. *Amendment of section 76.*—In section 76 of the principal Act, in sub-section (5), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

33. *Amendment of section 77.*—In section 77 of the principal Act,—

(a) in sub-section (2), in the proviso, in clause (c), the words "managing agents, secretaries and treasurers" shall be omitted.

(b) in sub-section (4) for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted.

34. *Amendment of section 79.*—In section 79 of the principal Act, in sub-section (4), for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

35. *Amendment of section 80.*—In section 80 of the principal Act, in sub-section (6), for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted.

36. *Amendment of section 80A.*—In section 80A of the principal Act, in sub-section (3), in clause (a), for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted.

37. *Amendment of section 84.*—In section 84 of the principal Act, in sub-section (3), for the words "ten thousand rupees", the words "one lakh rupees" shall be substituted.

38. *Substitution of new section for section 86.*—For section 86 of the principal Act, the following section shall be substituted, namely:—

"86. *New issues of share capital to be only of two kinds.*—The share capital of a company limited by shares shall be of two kinds only, namely:—

"(a) equity share capital—

(i) with voting rights; or

(ii) with differential rights as to dividend, voting or otherwise in accordance with such rules and subject to such conditions as may be prescribed ;

(b) preference share capital."

39. *Omission of section 88.*—Section 88 of the principal Act shall be omitted.

40. *Amendment of section 89.*—In section 89 of the principal Act,—

(a) in sub-section (2),—

(i) for clause (a), the following clause shall be substituted, namely:—

"(a) any resolution relating to the appointment or re-appointment of a director or to any variation in the terms of an agreement between the company and a managing or wholetime director thereof;"

(ii) clause (c) shall be omitted ;

(b) in sub-section (3), for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted.

41. *Amendment of section 95.*—In section 95 of the principal Act, in sub-section (3), for the words "fifty rupees", the words "five hundred rupees" shall be substituted.



42. *Amendment of section 97.*—In section 97 of the principal Act, in sub-section (3), for the words "fifty rupees" the words "five hundred rupees" shall be substituted.

43. *Amendment of section 107.*—In section 107 of the principal Act, in sub-section (5), for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

44. *Amendment of section 108-1.*—In Section 108-1 of the principal Act, for the words "five thousand rupees", wherever they occur, the words "fifty thousand rupees" shall be substituted.

45. *Amendment of section 111.*—In section 111 of the principal Act,—

(a) in sub-section (9),—

(i) for the words "one thousand rupees", the word "ten thousand rupees" shall be substituted;

(ii) for the words "one hundred rupees", the words "one thousand rupees" shall be substituted.

(b) in sub-section (12), for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

46. *Amendment of section 113.*—In section 113 of the principal Act, in sub-section (2), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

47. *Amendment of section 115.*—In section 115 of the principal Act, in sub-section (6), for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

48. *Insertion of new sections 117 A, 117 B and 117 C.*—After section 117 of the principal Act, the following sections shall be inserted, namely:—

"117A. *Debenture trust deed.*—(1) A trust deed for securing any issue of debentures shall be in such form and shall be executed with in such period as may be prescribed.

(2) A copy of the trust deed shall be open to inspection to any member or debenture holder of the company and he shall also be entitled to obtain copies of such trust deed on payment of such sum as may be prescribed.

(3) If a copy of the trust deed is not made available for inspection or is not given to any member or debenture holder, the company and every officer of the company who is in a default, shall be punishable, for each offence, with fine which may extend to five hundred rupees for every day during which the offence continues.

117B. *Appointment of debenture trustees and duties of debenture trustees.*—(1) No company shall issue a prospectus or a letter of offer to the public for subscription of its debentures, unless the company has, before such issue, appointment one or more debenture trustees for such debentures and the company has, on the face of the prospectus or the letter of offer, stated that the debenture trustee or trustees have given their consent to the company to be so appointed :

Provided that no person shall be appointed as a debenture trustee, if he—

(a) beneficially holds shares in the company;

(b) is beneficially entitled to moneys which are to be paid by the company to the debenture trustee;

(c) has entered into any guarantee in respect of principal debts secured by the debentures or interest thereon.

(2) Subject to the provisions of this Act, the functions of the debenture trustees shall generally be to protect the interest of holders of debentures (including the creation of securities within the stipulated time) and to redress the grievances of holders of debentures effectively.

(3) In particular, and without prejudice to the generality of the foregoing functions, a debenture trustee may take such other steps as he may deem fit—

(a) to ensure that the assets of the company issuing debentures and each of the guarantors are sufficient to discharge the principal amount at all times;

(b) to satisfy himself that the prospectus or the letter of offer does not contain any matter which is inconsistent with the terms of the debentures or with the trust deed;

(c) to ensure that the company does not commit any breach of covenants and provisions of the trust deed;

(d) to take such reasonable steps to remedy any breach of the covenants of the trust deed or the terms of issue of debentures;

(e) to take steps to call a meeting of holders of debentures as and when such meeting is required to be held.

(4) Where at any time the debenture trustee comes to a conclusion that the assets of the company are insufficient or are likely to become insufficient to discharge the principal amount as and when it becomes due, the debenture trustee may file a petition before the Company Law Board and the Company Law Board may, after hearing the company and any other person interested in the matter, by an order, impose such restrictions on the incurring of any further liabilities as the Company Law Board thinks necessary in the interests of holders of the debentures.

117C. *Liability of company to create security and debenture redemption reserve.*—(1) Where a company issues debentures after the commencement of this Act, it shall create a debenture redemption reserve for the redemption of such debentures, to which adequate amounts shall be credited, from out of its profits every year until such debentures are redeemed.

(2) The amounts credited to the debenture redemption reserve shall not be utilised by the company except for the purpose aforesaid.

(3) The company referred to in sub-section (1) shall pay interest and redeem the debentures in accordance with the terms and conditions of their issue.

(4) Where a company fails to redeem the debentures on the date of maturity, the Company Law Board may, on the application of any or all the holders of debentures shall, after hearing the parties concerned, direct, by order, the company to redeem the debentures forthwith by the payment of principal and interest due thereon.

(5) If default is made in complying with the order of the Company Law Board under sub-section (4), every officer of the company who is in default shall be punishable with imprisonment which may extend to three years and shall also be liable to a fine of not less than five hundred rupees for every day during which such default continues."

49. *Amendment of section 118.*—In section 118 of the principal Act, in sub-section (2),—

(a) for the words "fifty rupees", the words "five hundred rupees" shall be substituted;

(b) for the words "twenty rupees", the words "two hundred rupees" shall be substituted.

50. *Amendment of section 127.*—In section 127 of the principal Act, in sub-section (2), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

51. *Amendment of section 133.*—In section 133 of the principal Act, in sub-section (2), for the words "one

thousand rupees". the words "ten thousand rupees" shall be substituted.

52. *Amendment of section 137.*—In section 137 of the principal Act, in sub-section (3), for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

53. *Amendment of section 142.*—In section 142 of the principal Act,—

- (a) in sub-section (1), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted;
- (b) in sub-section (2), for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted.

54. *Amendment of section 143.*—In section 143 of the principal Act, in sub-section (2), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

55. *Amendment of section 144.*—In section 144 of the principal Act, in sub-section (3),—

- (a) for the words "fifty rupees", the words "five hundred rupees" shall be substituted;
- (b) for the words "twenty rupees", the words "two hundred rupees" shall be substituted.

56. *Amendment of section 146.*—In section 146 of the principal Act, in sub-section (4), for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

57. *Amendment of section 147.*—In section 147 of the principal Act,—

- (a) in sub-section (2), for the words "fifty rupees", the words "five hundred rupees" shall be substituted;
- (b) in sub-section (3), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.
- (c) in sub-section (4), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

58. *Amendment of section 148.*—In section 148 of the principal Act, in sub-section (2), for the words "one thousand rupees" the words "ten thousand rupees" shall be substituted.

59. *Amendment of section 149.*—In section 149 of the principal Act,—

- (a) in sub-section (2A), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted;
- (b) in sub-section (6), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

60. *Amendment of section 150.*—In section 150 of the principal Act, in sub-section (2), for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

61. *Amendment of section 151.*—In section 151 of the principal Act, in sub-section (4), for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

62. *Amendment of section 152.*—In section 152 of the principal Act, in sub-section (3), for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

63. *Amendment of section 153A.*—Section 153 A of the principal Act, shall be renumbered as sub-Section

(1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) The provisions of this section shall not apply on and after the commencement of the Companies (Amendment) Act, 2000."

64. *Amendment of section 153B.*—In section 153B of the principal Act, after Explanation to sub-section (4), the following sub-section shall be inserted, namely:—

"(5) The provisions of this section shall not apply on and after the commencement of the Companies (Amendment) Act, 2000."

65. *Amendment of section 154.*—In section 154 of the principal Act, in sub-section (2), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

66. *Amendment of section 157.*—In section 157 of the principal Act, in sub-section (3), for the words "fifty rupees" the words "five hundred rupees" shall be substituted.

67. *Amendment of section 158.*—In section 158 of the principal Act, in sub-section (9), for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

68. *Amendment of section 159.*—In section 159 of the principal Act, in sub-section (1), in clause (g), the words "managing agents, secretaries and treasurers" shall be omitted.

69. *Amendment of section 160.*—In section 160 of the principal Act, in sub-section (1), in clause (b), the words "its managing agent, its secretaries and treasurers," shall be omitted.

70. *Amendment of section 162.*—In section 162 of the principal Act, in sub-section (1), for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

71. *Amendment of section 163.*—In section 163 of the principal Act, in sub-section (5), for the words "fifty rupees" the words "five hundred rupees" shall be substituted.

72. *Amendment of section 165.*—In section 165 of the principal Act,—

(a) in sub-section (3),—

- (i) in clause (d), the words "managing agent, secretaries and treasurers", shall be omitted;
- (ii) for clause (g), the following clause shall be substituted, namely:—

"(g) the arrears, if any, due on calls from every director and from the manager; and

(iii) for clause (h), the following clause shall be substituted, namely:—

"(h) the particulars of any commission or brokerage paid or to be paid in connection with the issue or sale of shares or debentures to any director or to the manager,";

(b) in sub-section (9), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

73. *Amendment of section 168.*—In section 168 of the principal Act,—

- (a) for the words "five thousand rupees", the words "fifty thousand rupees" shall be substituted;
- (b) for the words "two hundred and fifty rupees", the words "two thousand five hundred rupees" shall be substituted.



**74. Amendment of section 173.**—In section 173 of the principal Act, in sub-section (2), the words “the managing agent, if any, the secretaries and treasurers, if any”, at both the places where they occur shall be omitted.

**75. Amendment of section 176.**—In section 176 of the principal Act,—

- (a) in sub-section (2), for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted;
- (b) in sub-section (4), for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted.

**76. Amendment of section 187B.**—In section 187B of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely:—

“(7) The provisions of this section shall not apply on and after the commencement of the Companies (Amendment) Act, 2000.”

**77. Amendment of section 187C.**—In section 187C of the principal Act, after sub-section (7), the following sub-section shall be inserted, namely:—

“(8) The provisions of this section shall not apply to the trustee referred to in section 187B on and after the commencement of the Companies (Amendment) Act, 2000.”

**78. Amendment of section 188.**—In section 188 of the principal Act, in sub-section (8), for the words “five thousand rupees”, the words “fifty thousand rupees” shall be substituted.

**79. Amendment of section 192.**—In section 192 of the principal Act,—

- (a) in sub-section (4), clause (d) shall be omitted;
- (b) in sub-section (5), for the words “twenty rupees”, the words “two hundred rupees” shall be substituted;
- (c) in sub-section (6), for the words “ten rupees”, the words “one hundred rupees” shall be substituted.

**80 Insertion of new section 192A.**—After section 192 of the principal Act, the following section shall be inserted, namely:—

“**192A. Passing of resolutions by Postal ballot.**—(1) Notwithstanding anything contained in the foregoing provisions of this Act, a listed public company may, and in the case of resolutions relating to such business as the Central Government may, by notification declare to be conducted only by postal ballot, shall, get any resolution passed by means of a postal ballot, instead of transacting the business in general meeting of the company.

(2) Where a company decides to pass any resolution by resorting to postal ballot, it shall send a notice to all the shareholders, along with a draft resolution explaining the reasons therefor and requesting them to send their assent or dissent in writing on a postal ballot within a period of thirty days from the date of posting of the letter.

(3) The notice shall be sent by registered post acknowledgement due, or by any other method as may be prescribed by the Central Government in this behalf, and shall include with the notice, a postage pre-paid envelope for facilitating the communication of the assent or dissent of the shareholder to the resolution within the said period.

(4) If a resolution is assented to by a requisite majority of the shareholders by means of postal ballot, it shall be deemed to have been duly passed at a general meeting convened in that behalf.

(5) If a shareholder sends under sub-section (2) his assent or dissent in writing on a postal ballot and thereafter any person fraudulently defaces or destroys the ballot paper or declaration of identity of the shareholder, such person shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(6) If a default is made in complying with sub-sections (1) to (4), the company and every officer of the company, who is in default shall be punishable with fine which may extend to fifty thousand rupees in respect of each such default.

**Explanation.**—For the purposes of this section, “postal ballot” includes voting by electronic mode.

**81. Amendment of section 193.**—In section 193 of the principal Act, in sub-section (6), for the words “fifty rupees”, the words “five hundred rupees” shall be substituted.

**82. Amendment of section 196.**—In section 196 of the principal Act, in sub-section (3) for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted.

**83. Amendment of section 197.**—In section 197 of the principal Act, in sub-section (2), for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted.

**84. Amendment of section 197A.**—In section 197A of the principal Act, clauses (b) and (c) shall be omitted.

**85. Amendment of section 198.**—In section 198 of the principal Act,—

(a) in sub-section (1),—

- (i) the words “managing agent, secretaries and treasurers or” shall be omitted;
- (ii) for the figures and word “350 and 351”, the word and figures “and 350” shall be substituted;
- (iii) proviso shall be omitted.

(b) in sub-section (4), in the Explanation, the figures “348, 352”, shall be omitted.

**86. Amendment of section 199.**—In section 199 of the principal Act, in sub-section (1),—

- (a) the words “, the managing agent, secretaries and treasurers” shall be omitted;
- (b) for the figures and words “350 and 351”, the word and figures “and 350” shall be substituted.

**87. Amendment of section 201.**—In section 201 of the principal Act, sub-section (2) shall be omitted.

**88. Amendment of section 202.**—In section 202 of the principal Act, in sub-section (1),—

- (a) the words “managing agent, secretaries and treasurers, or” shall be omitted.
- (b) for the words “five thousand rupees”, the words “fifty thousand rupees” shall be substituted.

**89. Amendment of section 203.**—In section 203 of the principal Act, in sub-section (7), for the words “five thousand rupees”, the words “fifty thousand rupees” shall be substituted.

**90. Amendment of section 204.**—In section 204 of the principal Act,—

- (a) in sub-section (1), the words “managing agent, secretaries and treasurers or” shall be omitted;
- (b) sub-section (2) shall be omitted.

**91. Omission of section 204A.**—Section 204A of the principal Act shall be omitted.

92. *Amendment of section 205.*—In section 205 of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely:—

“(1A) The Board of directors may declare interim dividend and the amount of dividend including interim dividend shall be deposited in a separate bank account within five days from the date of declaration of such dividend.

(1B) The amount of dividend including interim dividend so deposited under sub-section (1A) shall be used for payment of interim dividend.

(1C) The provisions contained in section 205, 205A, 205C, 206, 206A and 207 shall, as far as may be, also apply to any interim dividend.”.

93. *Amendment of section 205A.*—In section 205A of the principal Act,—

(a) in sub-section (1), for the words “forty-two days”, wherever they occur, the words “thirty days” shall be substituted;

(b) in sub-section (8), for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted.

94. *Substitution of new section for section 207.*—For section 207 of the principal Act, the following section shall be substituted, namely:—

“207. *Penalty for failure to distribute dividends within thirty days.*—Where a dividend has been declared by a company but has not been paid, or the warrant in respect thereof has not been posted, within thirty days from the date of declaration, to any shareholder entitled to the payment of the dividend, every director of the company shall, if he is knowingly a party to the default, be punishable with simple imprisonment for a term which may extend to three years and shall also be liable to a fine of one thousand rupees for every day during which such default continues and the company shall be liable to pay simple interest at the rate of eighteen per cent, per annum during the period for which such default continues :

Provided that no offence shall be deemed to have been committed within the meaning of the foregoing provisions in the following cases, namely:—

(a) where the dividend could not be paid by reason of the operation of any law ;

(b) where a shareholder has given directions to the company regarding the payment of the dividend and those directions cannot be complied with ;

(c) where there is a dispute regarding the right to receive the dividend ;

(d) where the dividend has been lawfully adjusted by the company against any sum due to it from the shareholder ; or

(e) where, for any other reason, the failure to pay the dividend or to post the warrant within the period aforesaid was not due to any default on the part of the company.”.

95. *Amendment of section 209.*—In section 209 of the principal Act,—

(a) in sub-section (5), for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted;

(b) in sub-section (6).—

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) where the company has a managing director or manager, such managing director or manager and all officers and other employees of the company ; and” ;

(ii) clauses (b) and (c) shall be omitted ;

(iii) for clause (d), the following clause shall be substituted, namely:—

“(d) where the company has neither a managing director nor manager, every director of the company.”;

(iv) clause (e) shall be omitted ;

(c) in sub-section (7).—

(i) the words “managing agent, secretaries and treasurers,” shall be omitted ;

(ii) for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted.

96. *Amendment of section 209A.*—In section 209A of the principal Act,—

(a) in sub-section (1), for clause (ii) and the proviso, the following shall be substituted, namely:—

“(ii) by such officer of the Government as may be authorised by the Central Government in this behalf ;

(iii) by such officers of the Securities and Exchange Board of India as may be authorised by it :

Provided that such inspection may be made without giving any previous notice to the company or any officer thereof :

Provided further that the inspection by the Securities and Exchange Board of India shall be made in respect of matters covered under sections referred to in section 55A ;”

(b) In sub-section (6), after the words “Central Government”, the words “or the Securities and Exchange Board of India in respect of inspection made by its officers” shall be inserted ;

(c) in sub-section (8), for the words “five thousand rupees”, the words “fifty thousand rupees” shall be substituted.

97. *Amendment of section 210.*—In section 210 of the principal Act, in sub-sections (5) and (6), for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted.

98. *Amendment of section 211.*—In section 211 of the principal Act,—

(a) in sub-section (7), for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted ;

(b) in sub-section (8).—

(i) the words “managing agent, secretaries and treasurers”, shall be omitted ;

(ii) for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted.

99. *Amendment of section 212.*—In section 212 of the principal Act,—

(a) in sub-section (9), for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted ;

(b) in sub-section (10).—

(i) the words “managing agent, secretaries and treasurers” shall be omitted ;

(ii) for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted.

100. *Amendment of section 215.*—In section 215 of the principal Act, in sub-section (1), in clause (ii), the words “managing agent, secretaries and treasurers”, shall be omitted.

**101. Amendment of section 217.**—In section 217 of the principal Act,—

(a) after Explanation to sub-section (2A), the following sub-section shall be inserted, namely:—

“(2AA) The Board's report shall also include a Directors' Responsibility Statement, indicating therein,—

- (i) that in the preparation of the annual accounts, the applicable accounting standards had been followed along with proper explanation relating to material departures ;
- (ii) that the directors had selected such accounting policies and applied then consistently and made judgments and estimates of that are reasonable and prudent so as to give a true and fair view of the state of affairs of the company at the end of the financial year and of the profit or loss of the company for that period ;
- (iii) that the directors had taken proper and sufficient care for the maintenance of adequate accounting records in accordance with the provisions of this Act for safeguarding the assets of the company and for preventing and detecting fraud and other irregularities;
- (iv) that the directors had prepared the annual accounts on a going concern basis.”;

(b) in sub-sections (5) and (6), for the words “two thousand rupees”, the words “twenty thousand rupees” shall be substituted.

**102. Amendment of section 218.**—In section 218 of the principal Act, for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted.

**103. Amendment of section 219.**—In section 219 of the principal Act, in sub-section (3) and (4), for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted.

**104. Amendment of section 220.**—In section 220 of the principal Act, in sub-section (1), in clause (a), the words “managing agent, secretaries and treasurers,” shall be omitted.

**105. Amendment of section 221.**—In section 221 of the principal Act,—

- (a) sub-section (2) shall be omitted;
- (b) in sub-section (3), the words “managing agent, secretaries and treasurers,” shall be omitted;
- (c) in sub-section (4), for the words “five thousand rupees”, the words “fifty thousand rupees” shall be substituted.

**106. Amendment of section 223.**—In section 223 of the principal Act, in sub-section (4), for the words “fifty rupees,” the words “five hundred rupees”, shall be substituted.

**107. Amendment of section 224.**—In section 224 of the principal Act,—

(a) in sub-section (1B), after the third proviso, the following proviso shall be inserted, namely:—

“Provided also that the provisions of this sub-section shall not apply, on and after the commencement of the Companies (Amendment) Act, 2000, to a private company.”;

(b) in sub-section (4), for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted.

(c) in sub-section (8), after clause (a), the following clause shall be inserted, namely:—

“(aa) in the case of an auditor appointed under section 619 by the Comptroller and Auditor-

General of India, shall be fixed by the company in general meeting or in such manner as the company in general meeting may determine.”.

**108. Amendment of section 226.**—In section 226 of the principal Act, in sub-section (3), for clauses (e) and (f), the following clause shall be substituted, namely:—

“(e) a person holding any security of that company after a period of one year from the date of commencement of the Companies (Amendment) Act, 2000.

*Explanation.*—For the purposes of this section “security” means an instrument which carries voting rights’.

**109. Amendment of section 227.**—In section 227 of the principal Act, in sub-section (3), after clause (d), the following clauses shall be inserted, namely:—

“(e) in thick type or in italics the observations or comments of the auditors which have any adverse effect on the functioning of the company;

(f) whether any director is disqualified from being appointed as director under clause (g) of sub-section (1) of section 274.”.

**110. Amendment of section 232.**—In section 232 of the principal Act, for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted.

**111. Amendment of section 233.**—In section 233 of the principal Act, for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted.

**112. Amendment of section 233A.**—In section 233A of the principal Act, in sub-section (5), for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted.

**113. Amendment of section 233B.**—In section 233B of the principal Act, in sub-section (11), for the words “five thousand rupees”, the words “fifty thousand rupees” shall be substituted.

**114. Amendment of section 234.**—In section 234 of the principal Act, in sub-section (4), in clause (a),—

- (a) for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted;
- (b) for the words “fifty rupees”, the words “five hundred rupees” shall be substituted.

**115. Amendment of section 234A.**—In section 234A of the principal Act,—

- (a) in sub-section (1),—
  - (i) the words “any managing agent or secretaries and treasurers or” shall be omitted ;
  - (ii) the words “or any associate of such managing agent or secretaries and treasurers” shall be omitted;

(b) in sub-section (3), the words “the managing agent or the secretaries and treasurers or the associate of such managing agent or secretaries and treasurers or” shall be omitted.

**116. Amendment of section 239.**—In section 239 of the principal Act, in sub-section (1),—

(a) for clause (b), the following clause shall be substituted, namely:—

“(b) any other body corporate which is, or has at any relevant time been managed by any person as managing, director or as manager, who is, or was, at the relevant time, the managing director or the manager of the company, or”;

(b) for clause (d), the following clause shall be substituted, namely:—

“(d) any person who is or has at any relevant time been the company’s managing director or manager,”;

(c) for the portion beginning with the words “the inspector shall, subject to the provisions of sub-section (2)” and ending with the words “affairs of the first-mentioned company”, the following shall be substituted, namely :—

“the inspector shall, subject to the provisions of sub-section (2), have power so to do and shall report on the affairs of the other body corporate or of the managing director or manager, so far as he thinks that the results of his investigation thereof are relevant to the investigation of the affairs of the first-mentioned company.”.

**117. Amendment of section 240.**—In section 240 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) It shall be the duty of all officers and other employees and agents of the company, and where the affairs of any other body corporate are investigated by virtue of section 239, of all officers and other employees and agents of such body corporate;—

(a) to preserve and to produce to an inspector or any person authorised by him in this behalf with the previous approval of the Central Government, all books and papers of, or relating to, the company or, as the case may be, of or relating to the other body corporate, which are in their custody or power; and

(b) otherwise to give to the inspector all assistance in connection with the investigation which they are reasonably able to give.”;

(b) in sub-section (2), for the words “other body corporate, managing agent, secretaries and treasurers or associate”, the words “or other body corporate” shall be substituted;

(c) in sub-section (3),—

(i) for the words “two thousand rupees”, the words “twenty thousand rupees” shall be substituted;

(ii) for the words “two hundred rupees”, the words “two thousand rupees” shall be substituted.

**118. Amendment of section 240A.**—In section 240A of the principal Act,—

(a) in sub-section (1),—

(i) the words “any managing agent or secretaries and treasurers or” shall be omitted;

(ii) the words “or any associate of such managing agent or secretaries and treasurers” shall be omitted;

(b) in sub-section (3), the words “the managing agent, or the secretaries and treasurers or the associate of such managing agent or secretaries and treasurers or” shall be omitted.

**119. Amendment of section 241.**—In section 241 of the principal Act, in sub-section (2),—

(a) in clause (a), the words “, managing agent, secretaries and treasurers or associate” shall be omitted;

(b) in clause (b),—

(i) for sub-clause (i), the following sub-clause shall be substituted, namely:—

(i) who is a member of the company or other body corporate dealt with in the report by virtue of section 239; or”;

(ii) sub-clause (ii) shall be omitted;

(iii) in sub-clause (iii), the words “, managing agent, secretaries and treasurers or associate” shall be omitted.

**120. Amendment of section 242.**—In section 242 of the principal Act, in sub-section (1),—

(a) the words “managing agent, secretaries and treasurers, or associate of a managing agent or secretaries and treasurers”, shall be omitted;

(b) for the words “agents of the company, body corporate, managing agent, secretaries and treasurers, or associate”, the words “agents of the company or body corporate,” shall be substituted.

**121. Amendment of section 243.**—In section 243 of the principal Act,—

(a) the words “or any such managing agent, secretaries and treasurers or associate being a body corporate”, shall be omitted;

(b) for the words “the company, body corporate, managing agent, secretaries and treasurers or associate”, at both the places where they occur, the words “the company or body corporate,” shall be substituted.

**122. Amendment of section 245.**—In section 245 of the principal Act, the words “managing agent, secretaries and treasurers, associate,” wherever they occur, shall be omitted.

**123. Amendment of section 247.**—In section 247 of the principal Act,—

(a) sub-section (4) shall be omitted;

(b) in sub-section (5),—

(i) the words “or of any managing agent, secretaries and treasurers, or associate” shall be omitted;

(ii) the words “managing agent, secretaries and treasurers, or associate” at both the places where they occur, shall be omitted;

(iii) the words “or of the managing agent, secretaries, treasurers or associate” shall be omitted.

**124. Omission of sections 248 and 249.**—Sections 248 and 249 of the principal Act shall be omitted.

**125. Amendment of section 250.**—In section 250 of the principal Act,—

(a) in sub-section (1), the figures and word “248 or 249” shall be omitted;

(b) in sub-sections (9) and (10), for the words “five thousand rupees”, the words “fifty thousand rupees”, shall be substituted.

**126. Amendment of section 250A.**—In section 250A of the principal Act, for the figures and word “247, 248 or 249”, the word and figures “or 247” shall be substituted.

**127. Amendment of section 251.**—In section 251 of the principal Act,—

(a) in the opening portion, for the figures and word “234 to 250” the figure; and words “234 to 247 and 250” shall be substituted;

(b) in clause (b), the words “managing agent, secretaries and treasurers” at both the places where they occur, shall be omitted.

**128. Amendment of section 252.**—In section 252 of the principal Act, in sub-section (1), the following shall be inserted, namely:—

Provided that a public company having,—

- (a) a paid-up capital of five crore rupees or more;
- (b) one thousand or more small shareholders,

may have a director elected by such small shareholders in the manner as may be prescribed.

*Explanation.*—For the purposes of this sub-section, “small shareholders” means a shareholder holding shares of nominal value of twenty thousand rupees or less in a public company to which this section applies.

**129. Omission of section 261.**—Section 261 of the principal Act shall be omitted.

**130. Amendment of section 269.**—In section 269 of the principal Act,—

- (a) in sub-section (6), for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted;
- (b) in sub-section (10),—

(i) in clause (a), for the words “five thousand rupees”, the words “fifty thousand rupees” shall be substituted;

(ii) in clauses (b) and (c), for the words “ten thousand rupees”, the words “one lakh rupees” shall be substituted;

(c) in sub-section (11), for the words “fifty rupees”, the words “five hundred rupees” shall be substituted.

**131. Amendment of section 272.**—In section 272 of the principal Act, for the words “fifty rupees”, the words “five hundred rupees” shall be substituted.

**132. Amendment of section 274.**—In section 274 of the principal Act, in sub-section (1), after clause (f), the following shall be inserted, namely:—

“(g) such person is already a director of a public company which,—

(A) has not filed the annual accounts and annual returns for any continuous three financial years commencing on and after the first day of April, 1999; or

(B) has failed to repay its deposit or interest thereon on due date or redeem its debentures on due date or pay dividend and such failure continues for one year or more:

Provided that such person shall not be eligible to be appointed as a director of any other public company for a period of five years from the date on which such public company, in which he is a director, failed to file annual accounts and annual returns under sub-clause (A) or has failed to repay its deposit or interest or redeem its debentures on due date or pay dividend referred to in clause (B).”

**133. Amendment of section 275.**—In section 275 of the principal Act, for the words “twenty companies”, the words “fifteen companies” shall be substituted.

**134. Amendment of section 276.**—In section 276 of the principal Act,—

(a) for the word “twenty” wherever it occurs, the word “fifteen” shall be substituted;

(b) for the words “this Act” at both the places where they occur, the words, brackets and figures “the Companies (Amendment) Act, 2000” shall be substituted.

**135. Amendment of section 277.**—In section 277 of the principal Act,—

(a) in sub-section (1),—

- (i) for the words “twenty companies”, the words “fifteen companies” shall be substituted;
- (ii) for the words “this Act”, the words, brackets and figures “the Companies (Amendment) Act, 2000” shall be substituted;

(b) in sub-section (2),—

- (i) for the words “nineteen companies”, the words “fourteen companies” shall be substituted;
- (ii) for the words “this Act”, the words, brackets and figures “the Companies (Amendment) Act, 2000” shall be substituted;
- (iii) for the word “twenty” at both the places where it occurs, the word “fifteen” shall be substituted.

**136. Amendment of section 279.**—In section 279 of the principal Act,—

(a) for the words “twenty companies”, the words “fifteen companies” shall be substituted;

(b) for the words “five thousand rupees”, the words “fifty thousand rupees” shall be substituted.

**137. Amendment of section 283.**—In section 283 of the principal Act,—

(a) in sub-section (1), in clause (1),—

- (i) the words “or as a nominee of the managing agent of the company”, shall be omitted;
- (ii) the words “or, as the case may be, the managing agency comes to an end” shall be omitted;

(b) in sub-section (2A), for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted.

**138. Amendment of section 286.**—In section 286 of the principal Act, in sub-section (2), for the words “one hundred rupees”, the words “one thousand rupees” shall be substituted.

**139. Amendment of section 292.**—In section 292 of the principal Act, in sub-section (1), in the first proviso, the words “the managing agent, secretaries and treasurers” shall be omitted.

**140. Insertion of new section 292A.**—After section 292 of the principal Act, the following section shall be inserted, namely:—

“292A. *Audit Committee.*—(1) Every public company having paid-up capital of not less than five crores of rupees shall constitute a committee of the Board known as Audit Committee which shall consist of not less than three directors and such number of other directors as the Board may determine of which two-thirds of the total number of members shall be directors, other than managing or whole-time directors.

(2) Every Audit Committee constituted under sub-section (1) shall act in accordance with terms of reference to be specified in writing by the Board.

(3) The members of the Audit Committee shall elect a chairman from amongst themselves.

(4) The annual report of the company shall disclose the composition of the Audit Committee.

(5) The auditors, the internal auditor, if any, and the director-in-charge of finance shall attend and participate at meeting of the Audit Committee but shall not have the right to vote.

(6) The Audit Committee should have discussions with the auditors periodically about internal control systems, the scope of audit including



the observations of the auditors and review the half-yearly and annual financial statements before submission to the Board and also ensure compliance of internal control systems.

- (7) The Audit Committee shall have authority to investigate into any matter in relation to the items specified in this section or referred to it by the Board and for this purpose, shall have full access to information contained in the records of the company and external professional advice, if necessary.
- (8) The recommendations of the Audit Committee on any matter relating to financial management including the audit report, shall be binding on the Board.
- (9) If the Board does not accept the recommendations of the Audit Committee, it shall record the reasons therefor and communicate such reasons to the shareholders.
- (10) The chairman of the Audit Committee shall attend the annual general meetings of the company to provide any clarification on matters relating to audit.
- (11) If a default is made in complying with the provisions of this section, the company, and every officer who is in default, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to fifty thousand rupees, or with both."

**141. Amendment of section 294.**—In section 294 of the principal Act,—

- (a) sub-section (4) shall be omitted;
- (b) in sub-section (8),—
  - (i) for the words "five thousand rupees", the words "fifty thousand rupees" shall be substituted;
  - (ii) for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

**142. Amendment of section 295.**—In section 295 of the principal Act,—

- (a) in sub-section (1), in clause (e), the words "managing agent, secretaries and treasurers", shall be omitted.
- (b) in sub-section (2),—
  - (i) for clause (b), the following clause shall be substituted, namely:—
 

"(b) any loan made by a holding company to its subsidiary company;"
  - (ii) for clause (c), the following clause shall be substituted, namely:—
 

"(c) any guarantee given or security provided by a holding company in respect of any loan made to its subsidiary company.";
- (c) in sub-section (4), for the words "five thousand rupees", the words "fifty thousand rupees" shall be substituted.

**143. Omission of section 298.**—Section 298 of the principal Act shall be omitted.

**144. Amendment of section 299.**—In section 299 of the principal Act, in sub-section (4), for the words "five thousand rupees", the words "fifty thousand rupees" shall be substituted.

**145. Amendment of section 300.**—In section 300 of the principal Act, in sub-section (4), for the words "five thousand rupees", the words "fifty thousand rupees" shall be substituted.

**146. Amendment of section 301.**—In section 301 of the principal Act, in sub-section (4), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

**147. Amendment of section 302.**—In section 302 of the principal Act,—

- (a) sub-section (3) shall be omitted;
- (b) in sub-section (5), for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted;
- (c) in sub-section (6), the words "managing agent or secretaries and treasurers," shall be omitted.

**148. Amendment of section 303.**—In section 303 of the principal Act,—

- (a) the words "managing agent, secretaries and treasurers," wherever they occur, shall be omitted;
- (b) in sub-section (1), in clause (a), the words "managing agent" shall be omitted;
- (c) in sub-section (3), for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

**149. Amendment of section 304.**—In section 304 of the principal Act, in sub-section (2), in clause (a) for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

**150. Amendment of section 305.**—In section 305 of the principal Act, in sub-section (1),—

- (a) the words "managing agent, secretaries and treasurers," at both the places where they occur shall be omitted;
- (b) for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

**151. Amendment of section 307.**—In section 307 of the principal Act,—

- (a) in sub-section (7), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted;
- (b) in sub-section (8),—
  - (i) for the words "five thousand rupees", the words "fifty thousand rupees", shall be substituted;
  - (ii) for the words "twenty rupees", the words "two hundred rupees" shall be substituted;
- (c) sub-section (11) shall be omitted.

**152. Amendment of section 308.**—In section 308 of the principal Act, in sub-section (3), for the words "five thousand rupees", the words "fifty thousand rupees" shall be substituted.

**153. Amendment of section 309.**—In section 309 of the principal Act, in sub-section (4), in the first proviso, in clause (i), the words "a managing agent or secretaries and treasurers," shall be omitted.

**154. Amendment of section 314.**—In section 314 of the principal Act, in sub-section (2), in clause (a) the words "managing agent, secretaries and treasurers" shall be omitted.

**155. Amendment of section 318.**—In section 318 of the principal Act, in sub-section (3), in clause (a), the words "managing agent" shall be omitted.

**156. Amendment of section 320.**—In section 320 of the principal Act, in sub-section (3), for the words "two hundred and fifty rupees", the words "two thousand five hundred rupees" shall be substituted.

**157. Amendment of section 322.**—In section 322 of the principal Act,—

- (a) in sub (section (1), the words "or of the managing agent, secretaries and treasurers" shall be omitted;
- (b) in sub-section (2),—
  - (i) the words "managing agent, secretaries and



- treasurers" at both the places where they occur, shall be omitted ;  
 (ii) the words, "the managing agent, secretaries and treasurers" shall be omitted;  
 (iii) the words, "its managing agent, secretaries and treasurers", shall be omitted ;

(c) in sub-section (3).—

- (i) the words "managing agent, secretaries and treasurers" at both the places where they occur, shall be omitted ;  
 (ii) for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted.

**158. Amendment of section 323.**—In section 323 of the principal Act, in sub-section (1), the words "or of its managing agent, secretaries and treasurers" shall be omitted.

**159. Omission of sections 324, 324A, 325, 325A, 326 to 348.**—Sections 324, 324A, 325, 325A, 326 to 348 of the principal Act shall be omitted.

**160. Amendment of section 349.**—In section 349 of the principal Act,—

- (a) in sub-section (1), the words and figures "for the purpose of section 348," shall be omitted ;  
 (b) in sub-section (5), clause (a) shall be omitted.

**161. Amendment of section 350.**—In section 350 of the principal Act, for the words "the amount calculated with reference to the written-down value of the assets", the words "the amount of depreciation on assets" shall be substituted.

**162. Omission of sections 351 to 354.**—Sections 351 to 354 of the principal Act shall be omitted.

**163. Amendment of section 355.**—In section 355 of the principal Act, for the figures and word "348 to 354" the figures and word "349 and 350" shall be substituted.

**164. Omission of section 356 to 369.**—Sections 356 to 369 of the principal Act shall be omitted.

**165. Amendment of section 370A.**—in section 370A of the principal Act,—

- (a) the words and figures "section 369 or" shall be omitted ;  
 (b) in the proviso, clause (a) shall be omitted.

**166. Amendment of section 371.**—In section 371 of the principal Act, in sub-section (1).—

- (a) the words and figures "section 369 or" shall be omitted ;  
 (b) for the words "five thousand rupees", the words "fifty thousand rupees" shall be substituted.

**167. Amendment of section 374.**—In section 374 of the principal Act, for the words "five thousand rupees", the words "fifty thousand rupees" shall be substituted.

**168. Omission of section 375.**—Section 375 of the principal Act shall be omitted.

**169. Substitution of new section for section 376.**—For section 376 of the principal Act, the following section shall be substituted, namely:—

"376. *Conditions prohibiting reconstruction or amalgamation of company.*—Where any provision in the memorandum or articles of a company, or in any resolution passed in general meeting by, or by the Board of Directors of, the company, or in an agreement between the company and any other person, whether made before or after the commencement of this Act, prohibits the reconstruction of the company or its amalgamation with any body

corporate or bodies corporate either absolutely or except on the condition, that the managing director or manager of the company is appointed or reappointed as managing director or manager of the reconstructed company or of the body resulting from amalgamation, as the case may be, shall become void with effect from the commencement of this Act, or be void, as the case may be."

**170. Omission of section 377 to 383.**—Sections 377 to 383 of the principal Act shall be omitted.

**171. Amendment of section 383A.**—In section 383A of the principal Act,—

- (a) in sub-section (1), the following proviso shall be inserted, namely:—

"Provided that every company not required to employ a whole-time secretary under sub-section (1) and having a paid-up share capital of ten lakh rupees or more shall file with the Registrar a certificate from a secretary in whole time practice in such form and within such time and subject to such conditions as may be prescribed, as to whether the company has complied with all the provisions of this Act and a copy of such certificate shall be attached with Board's report referred to in section 217."

- (b) in sub-section (1A), for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

**172. Amendment of section 387.**—In section 387 of the principal Act, for the figures and word "350 and 351," the word and figures "and 350" shall be substituted.

**173. Amendment of section 388E.**—In section 388E of the principal Act,—

- (a) in sub-section (1), the proviso shall be omitted;  
 (b) sub-section (2) shall be omitted.

**174. Amendment of section 391.**—In section 391 of the principal Act, in sub-section (5), for the words "ten rupees", the words "one hundred rupees" shall be substituted.

**175. Amendment of section 393.**—In section 393 of the principal Act,—

- (a) in sub-section (1), in clause (a), the words "managing agent, secretaries and treasurers" shall be omitted;  
 (b) in sub-section (4).—

- (i) for the words "five thousand rupees", the words "fifty thousand rupees" shall be substituted;

- (ii) the words "managing agent, secretaries and treasurers," shall be omitted;

(c) in sub-section (5).—

- (i) the words "managing agent, secretaries and treasurers" shall be omitted;

- (ii) for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

**176. Amendment of section 394.**—In section 394 of the principal Act, in sub-section (3), for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

**177. Amendment of section 395.**—In section 395 of the principal Act, in sub-section (4A), in clause (b), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

**178. Amendment of section 398.**—In section 398 of the principal Act, in sub-section (1), in clause (b).—

- (i) the words "or of its managing agent or secretaries and treasurers" shall be omitted;

(ii) the words "or in the constitution or control of the firm or body corporate acting as its managing agent or secretaries and treasurers," shall be omitted.

179. *Amendment of section 402.*—In section 402 of the principal Act, in clause (d), sub-clauses (iii) and (iv) shall be omitted.

180. *Amendment of section 404.*—In section 404 of the principal Act, in sub-section (4), for the words "five thousand rupees", the words "fifty thousand rupees" shall be substituted.

181. *Amendment of section 405.*—In section 405 of the principal Act, the words "the managing agent, secretaries and treasurers" shall be omitted.

182. *Amendment of section 407.*—In section 407 of the principal Act,—

(a) in sub-section (1), in clause (b),—

(i) the words "managing agent, secretaries and treasurers", at both the places where they occur, shall be omitted;

(ii) the words "managing agent or secretaries and treasurers" shall be omitted.

(b) in sub-section (2),—

(A) In clause (A), the words "managing agent, secretaries and treasurers" shall be omitted;

(B) clause (b) shall be omitted;

(C) in clause (c), for the words "five thousand rupees", the words "fifty thousand rupees" shall be substituted.

183. *Amendment of section 409.*—In section 409 of the principal Act, in sub-section (1), the words "the Managing agent, the secretaries and treasurers" shall be omitted.

184. *Amendment of section 416.*—In section 416 of the principal Act,—

(a) in sub-section (1), the words "managing agent, secretaries and treasurers" shall be omitted;

(b) in sub-section (3), in clause (b), for the words "two hundred rupees", the words "two thousand rupees" shall be substituted.

185. *Amendment of section 420.*—In section 420 of the principal Act, for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted.

186. *Amendment of section 423.*—In section 423 of the principal Act, for the words "two hundred rupees", the words "two thousand rupees" shall be substituted.

187. *Amendment of section 427.*—In section 427 of the principal Act, the words "managing agent, secretaries and treasurers" wherever they occur, shall be omitted.

188. *Amendment of section 445.*—In section 445 of the principal Act, in sub-section (1), for the words "one hundred rupees", the words "one thousand rupees" shall be substituted.

189. *Amendment of section 454.*—In section 454 of the principal Act, in sub-section (5), for the words "one hundred rupees", the words "one thousand rupees" shall be substituted.

190. *Amendment of section 469.*—In section 469 of the principal Act, in sub-section (2), in clause (b), the words "managing agent, secretaries and treasurers" shall be omitted.

191. *Amendment of section 481.*—In section 481 of the principal Act, in sub-section (3), for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

192. *Amendment of section 485.*—In section 485 of the principal Act, in sub-section (2), for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

193. *Amendment of section 488.*—In section 488 of the principal Act, in sub-section (3), for the words "five thousand rupees", the words "fifty thousand rupees" shall be substituted.

194. *Amendment of section 491.*—In section 491 of the principal Act, the words "managing agent, secretaries and treasurers", shall be omitted.

195. *Amendment of section 493.*—In section 493 of the principal Act, in sub-section (3), for the words "one hundred rupees", the words "one thousand rupees" shall be substituted.

196. *Amendment of section 495.*—In section 495 of the principal Act, in sub-section (2), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

197. *Amendment of section 496.*—In section 496 of the principal Act, in sub-section (2), for the words "one hundred rupees", the words "one thousand rupees" shall be substituted.

198. *Amendment of section 497.*—In section 497 of the principal Act,—

(a) in sub-section (3), for the words "fifty rupees", the words "five hundred rupees" shall be substituted;

(b) in sub-section (7), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

199. *Amendment of section 500.*—In section 500 of the principal Act, in sub-section (6), for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted.

200. *Amendment of section 501.*—In section 501 of the principal Act, in sub-section (2), for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

201. *Amendment of section 508.*—In section 508 of the principal Act, in sub-section (2), for the words "one hundred rupees", the words "one thousand rupees" shall be substituted.

202. *Amendment of section 509.*—In section 509 of the principal Act,—

(a) in sub-section (3), for the words "fifty rupees", the words "five hundred rupees" shall be substituted;

(b) in sub-section (7), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

203. *Amendment of section 513.*—In section 513 of the principal Act, in sub-section (3),—

(a) the words "the managing agent or secretaries and treasurers" shall be omitted;

(b) for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted.

204. *Amendment of section 514.*—In section 514 of the principal Act, for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted.

205. *Amendment of section 516.*—In section 516 of the principal Act, in sub-section (2), for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

206. *Amendment of section 542.*—In section 542 of the principal Act, in sub-section (3), for the words "fifty thousand rupees", the words "five hundred rupees" shall be substituted.

**207. Amendment of section 543.**—In section 543 of the principal Act, in sub-section (1), for the words “managing agent, secretaries and treasurers”, at both the places where they occur, shall be omitted.

**208. Amendment of section 547.**—In section 547 of the principal Act, in sub-section (2), for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted.

**209. Amendment of section 550.**—In section 550 of the principal Act, in sub-section (4), for the words “five thousand rupees”, the words “fifty thousand rupees” shall be substituted.

**210. Amendment of section 551.**—In section 551 of the principal Act, in sub-section (5),—

(a) for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted;

(b) in the proviso, for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted.

**211. Amendment of section 559.**—In section 559 of the principal Act, in sub-section (2), for the words “fifty rupees”, the words “five hundred rupees” shall be substituted.

**212. Amendment of section 560.**—In section 560 of the principal Act, the words “managing agent, secretaries and treasurers” wherever they occur, shall be omitted.

**213. Amendment of section 568.**—In section 568 of the principal Act, in clause (a), the words “the managing agent, if any, the secretaries and treasurers, if any,” shall be omitted.

**214. Amendment of section 583.**—In section 583 of the principal Act, in sub-section (5), in clauses (a) and (b), the words “managing agent, secretaries and treasurers,” shall be omitted.

**215. Amendment of section 598.**—In section 598 of the principal Act,—

(a) for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted;

(b) for the words “one hundred rupees”, the words “one thousand rupees” shall be substituted.

**216. Insertion of new section 605A.**—After section 605 of the principal Act, the following section shall be inserted, namely:—

“605A. *Officer of Indian Depository Receipts.*—Notwithstanding anything contained in any other law for the time being in force, the Central Government may make rules applicable for—

(a) the offer of Indian Depository Receipts;  
(b) the requirement of disclosures in prospectus or letter of offer issued in connection with Indian Depository Receipts;

(c) the manner in which the Indian Depository Receipts shall be dealt in a depository mode and by custodian and underwriters;

(d) the manner of sale, transfer or transmission of Indian Depository Receipts.

by a company incorporated, or to be incorporated outside India, whether the company has or has not been established or, will or will not establish any place of business in India.”

**217. Amendment of section 606.**—In section 606 of the principal Act,—

(a) after the words “application for shares or debentures”, the words “application for shares, debentures or Indian Depository Receipts” shall be substituted.

(b) for the word and figures “and 605”, the figures, word and letter “605 and 605A” shall be substituted;

(c) for the words “five thousand rupees”, the words “fifty thousand rupees” shall be substituted.

**218. Amendment of section 615.**—In section 615 of the principal Act, in sub-section (6), for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted.

**219. Omission of section 618.**—Section 618 of the principal Act shall be omitted.

**220. Amendment of section 619.**—In section 619 of the principal Act, in sub-section (2), the words “the Central Government on the advice of” shall be omitted.

**221. Amendment of section 621.**—In section 621 of the principal Act, in sub-section (1), after the proviso, the following shall be inserted, namely:—

“Provided further that the court may take cognizance of offence relating to issue and transfer of securities and non-payment of dividend on a complaint in writing by a person authorised by the Securities and Exchange Board of India.”

**222. Amendment of section 621A.**—In section 621A of the principal Act, in sub-sections (1) and (6), for the words “five thousand rupees”, the words “fifty thousand rupees” shall be substituted.

**223. Amendment of section 627.**—In section 627 of the principal Act, in sub-section (1), in clause (ii) the words “managing agent, secretaries and treasurers or” shall be omitted.

**224. Amendment of section 629A.**—In section 629A of the principal Act,—

(a) for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted;

(b) for the words “fifty rupees”, the words “five hundred rupees” shall be substituted.

**225. Amendment of section 630.**—In section 630 of the principal Act, in sub-section (1), for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted.

**226. Amendment of section 631.**—In section 631 of the principal Act, for the words “fifty rupees”, the words “five hundred rupees” shall be substituted.

**227. Amendment of section 635AA.**—In section 635 AA of the principal Act, in clause (a), for the figures and word “247, 248 or 249” the word and figures “or 247” shall be substituted.

**228. Amendment of section 635B.**—In section 635 B, of the principal Act, in sub-section (1), in clause (a), the words and figures “section 248 or section 249” shall be omitted.

**229. Amendment of section 637.**—In section 637 of the principal Act, in sub-section (2), the figures and brackets “248, 249, 324, 326, 328, 329, 332, 343, 345, 346, 347 (2), 352, 369” shall be omitted.

**230. Amendment of section 640 B.**—In section 640 B of the principal Act,—

(a) in sub-section (1), for the figures and word “311, 326, 328, 329, 332, 343, 345, 346 or 352”, the word and figures “or 311” shall be substituted;

(b) in sub-section (2), clause (d) shall be omitted.

**231. Amendment of section 642.**—In section 642 of the principal Act, in sub-section (2),—

(a) for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted.

(b) for the words “fifty rupees”, the words “five hundred rupees” shall be substituted.

Assented to on 27-12-2000

THE CENTRAL ROAD FUND ACT, 2000  
ACT No. 54 OF 2000

AN

ACT

*to give statutory status to the existing Central Road Fund governed by the Resolution of Parliament passed in 1988, for development and maintenance of national highways and improvement of safety at railway crossings, and for these purposes to levy and collect by way of cess, a duty of excise and duty of customs on motor spirit commonly known as petrol, high speed diesel oil and for other matters connected therewith.*

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

## CHAPTER I

## PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Central Road Fund Act, 2000.

(2) It extends to the whole of India.

(3) Save as otherwise provided in this Act, it shall be deemed to have come into force on the 1st day of November 2000.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “appointed day” means the date on which the Fund is established under sub-section (1) of section 6;

(b) “cess” means a duty in the nature of duty of excise and customs, imposed and collected on motor spirit commonly known as petrol and high speed diesel oil for the purposes of this Act;

(c) “Fund” means the Central Road Fund established under sub-section (1) of section 6;

(d) “national highways” means the highways specified in the Schedule to the National Highways Act, 1956 (48 of 1956) or any other highway declared as national highway under sub-section (2) of section 2 of the said Act;

(e) “National Highways Authority of India” means an authority constituted under sub-section (1) of section 3 of the National Highways Authority of India Act, 1988 (68 of 1988);

(f) “prescribed” means prescribed by rules made under this Act.

## CHAPTER II

## CENTRAL ROAD FUND

3. *Levy and collection of cess.*—(1) With effect from such date as the Central Government may, by notification in the Official Gazette, specify, there shall be levied and collected, as a cess, a duty of excise and customs for the purposes of this Act, on every item specified in column (2) of the Schedule, which is produced in or imported into India and—

(a) removed from a refinery or a factory or an outlet;

(b) transferred by the person, by whom such item is produced or imported, to another person,

at such rates not exceeding the rate set forth in the corresponding entry in column (3) of the Schedule, as the Central Government may, by notification in the Official Gazette, specify:

Provided that until the Central Government specifies by such notification the rate of the cess in respect of petrol and high speed diesel oil (being items specified in the Schedule), the cess on petrol and high speed diesel oil under this sub-section shall be levied and collected at the rate of rupee one per litre:

Provided further that the additional duty of customs and the additional duty of excise on petrol levied under sub-section (1) of section 103 and sub-section (1) of section 111, as the case may be, of the Finance (No. 2) Act, 1998 (21 of 1998) and the additional duty of customs and the additional duty of excise on high speed diesel oil levied under sub-section (1) of section 116 and sub-section (1) of section 133, as the case may be, of the Finance Act, 1999 (27 of 1999) shall be deemed to be a cess for the purposes of this Act from the date of its levy and the proceeds thereof shall be credited to the Fund.

(2) Every cess leviable under sub-section (1) on any item shall be payable by the person by whom such item is produced, and in the case of imports, the cess shall be imposed and collected on items so imported and specified in the Schedule.

(3) The cess leviable under sub-section (1) on the items specified in the Schedule shall be in addition to any cess or duty leviable on those items under any other law for the time being in force.

(4) The provisions of the Central Excise Act, 1944 (1 of 1944) and the rules made thereunder and the provisions of the Customs Act, 1962 (52 of 1962) and the rules made thereunder, as the case may be, including those relating to refunds and exemptions from duties shall, as far as may be, apply in relation to the levy and collection of cess leviable under this section and for this purpose, the provisions of the Central Excise Act, 1944 and of the Customs Act, 1962, as the case may be, shall have effect as if the aforesaid Acts provided for the levy of cess on all items specified in the Schedule.

4. *Crediting of cess to consolidated Fund of India.*—The proceeds of the cess levied under section 3 shall first be credited to the Consolidated Fund of India, and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, credit such proceeds to the Fund from time to time, after deducting the expenses of collection, for being utilised exclusively for the purposes of this Act.

5. *Grants and loans by the Central Government.*—The Central Government may, after due appropriation made by Parliament by law in this behalf, credit by way of grants or loans such sums of money as the Central Government may consider necessary in the Fund.

6. *Establishment of Central Road Fund.*—(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act, a Fund to be called as the “Central Road Fund”.

(2) The Fund shall be under the control of the Central Government and there shall be Credited thereto—

(a) any sums of money paid under section 4 or section 5;

(b) unspent part of the cess, being already levied for the purposes of the development and maintenance of national highways;

(c) the sums, if any, realised by the Central Government in carrying out its functions or in the administration of this Act;

(d) any fund provided by the Central Government for the development and maintenance of State roads.

(3) The balance to the credit of the Fund shall not lapse at the end of the financial year.

7. *Utilisation of the Fund.*—The Fund shall be utilised for the—

- (i) development and maintenance of national highways;
- (ii) development of the rural roads ;
- (iii) development and maintenance of other State roads including roads of inter-State and economic importance;
- (iv) construction of roads either under or over the railways by means of a bridge and erection of safety works at unmanned rail-road crossings ; and
- (v) disbursement in respect of such projects as may be prescribed.

8. *Accounts and audit.*—(1) The concerned departments of the Central Government shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the profit and loss account and the balance-sheet in respect of allocations of their shares of fund in such form, as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Fund shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him.

### CHAPTER III

#### MANAGEMENT OF CENTRAL ROAD FUND

9. *Powers of Central Government to administer the Fund.*—(i) The Central Government shall have the power to administer the Fund and shall—

- (a) take such decisions regarding investment on projects of national highways and express ways as it considers necessary ;
- (b) take such measures as may be necessary to raise funds for the development and maintenance of the national highways;
- (c) allocate and disburse such sums as are considered necessary, to the concerned departments responsible for the development and maintenance of—
  - (i) national highways ;
  - (ii) rural roads;
  - (iii) State roads ; and
  - (iv) construction of roads either under or over the railways by means of a bridge and erect suitable safety works at unmanned rail-road level crossings..

10. *Functions of the Central Government.*—The Central Government shall be responsible for the—

- (i) administration and management of the share of fund allocated to the development and maintenance of the national highways ;
- (ii) co-ordination and complete and timely utilisation of all sums allocated out of the Fund ;
- (iii) sanction of schemes for State roads of inter-State and economic importance in such manner as may be prescribed.

(iv) formulation of criteria on the basis of which the specific projects of State roads of inter-State and economic importance are to be approved and financed out of share of State roads ;

(v) release of funds to the States for specific projects and monitoring of such projects and expenditure incurred thereon ;

(vi) formulation of the criteria for allocation of the funds for such projects which are required to be implemented by the National Highways Authority of India and also for other projects for the development and maintenance of the national highways ;

(vii) allocation of share of funds to each State and Union territory specified in the First Schedule to the Constitution ;

(viii) allocation of—

(a) fifty per cent of the cess on high speed diesel oil for the development of rural roads in such manner as may be prescribed ; and

(b) the balance amount of fifty per cent of cess on high speed diesel oil and the entire cess collected on petrol as follows:—

(i) an amount equal to fifty-seven and one half per cent of such sum for the development and maintenance of national highways ;

(ii) an amount equal to twelve and one half per cent for the construction of road either under or over the railways by means of a bridge and erection of safety works at unmanned rail-road crossings ; and

(iii) the balance thirty per cent on development and maintenance of roads other than national highways and out of this amount, ten per cent, that is three per cent of the total share of State roads shall be kept as reserve by the Central Government for allocation to States for implementation of State road schemes of inter-State and economic importance to be approved by the Central Government in terms of clauses (iii) and (iv) of this section.

11. *Administration of States' share of the Fund.*—(1) The share of the Fund to be spent on development and maintenance of road other than national highways, as specified under sub-clause (b) of clause (viii) of section 10, after deducting the reserve kept by the Central Government for State road schemes of inter-State and economic importance, shall be allocated to various States and Union territories in such manner as may be decided by the Central Government.

(2) The portion of the Fund allocated for expenditure in the various States and Union territories shall be retained by the Central Government until it is actually required for expenditure.

(3) If in the opinion of the Central Government, the Government of any State or the administration of any Union territory has at any time—

- (a) failed to take such steps as the Central Government may recommend for the regulation and control of motor vehicles within the State or the Union territory ; or
- (b) delayed without reasonable cause the application of any portion of the Fund allocated or re-allocated, as the case may be, for expenditure within the State or Union territory,



the Central Government may resume the whole or part of any sums which it may have at that time held for expenditure in that State or the Union territory.

(4) All sums resumed by the Central Government from the account of any State Government or Union territory administration as aforesaid shall be re-allocated between the credit accounts of the defaulting and other State Governments and Union territory administrations in the ratio of the main allocation for the financial year preceding the year in which the re-allocation is made.

(5) The balance to the credit of the Fund in respect of any allocation shall not lapse at the end of the financial year.

**12. Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the rupees of this Act.

(2) in particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) specify the projects in respect of which the funds may be disbursed under section 7 ;

(b) the manner in which the accounts shall be maintained and the annual statement of accounts may be prepared including the profit and loss account and the balance-sheet under sub-section (1) of section 8 ;

(c) the manner in which the schemes for development and maintenance of State roads of inter-State and economic importance are to be formulated and sanctioned under section 10 ;

(d) any other matter for which rule is to be made, or may be, prescribed.

**13. Rules made under this Act to be laid before Parliament.**—Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**14. Provisions relating to existing Cental Road Fund.**—With effect from the appointed day the Central Road Fund governed by the Parliamentary Resolution dated the 13th May, 1988 (hereinafter referred to in this section as the existing Fund) shall be deemed to be the Fund established under this Act, and,—

(a) all schemes relating to development and maintenance of national highways and State roads sanctioned under the existing Fund in so far as such schemes are relatable to the schemes under this Act, shall be deemed to be the schemes sanctioned under this Act ;

(b) all funds accrued under the existing Fund including assets and liabilities shall be transferred to the Fund established under this Act.

**15. Repeal and saving.**—(1) The Central Road Fund Ordinance, 2000 (Ord. 5 of 2000) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

## THE SCHEDULE

(See section 3)

Sl. No.	Name of item	Rate of duty
(1)	(2)	(3)
1.	Motor spirit commonly known as petrol	Rupee one per litre
2.	High speed diesel oil	Rupee one per litre

Assented to on 30-12-2000

## THE NATIONAL BANK FOR AGRICULTURE AND RURAL DEVELOPMENT (AMENDMENT) ACT, 2000

ACT No. 55 OF 2000

AN

ACT

further to amend the National Bank for Agriculture and Rural Development Act, 1981.

Be it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

**1. Short title and commencement.**—(1) This Act may be called the National Bank for Agriculture and Rural Development (Amendment) Act, 2000.

(2) Save as otherwise provided in this Act, it shall come into force on such date as the Central Government may, by notification in Official Gazette, appoint.

**2. Amendment of long title.**—In the National Bank for Agriculture and Rural Development Bank Act, 1981 (61 of 1981), (hereinafter referred to as the principal Act), for the long title, the following shall be substituted, namely:—

“An Act to establish a development bank to be known as the National Bank for Agriculture and Rural Development for providing and regulating credit and other facilities for the promotion and development of agriculture, small-scale industries, cottage and village industries, handicrafts and other rural crafts and other allied economic activities in rural areas with a view to promoting integrated rural development and securing prosperity of rural areas and for matters connected therewith or incidental thereto.”.

**3. Amendment of section 2.**—In section 2 of the principal Act, in clause (e), the words “of the Board” shall be omitted.

**4. Amendment of section 4.**—In section 4 of the principal Act, —

(i) in sub-section (1), in the proviso, for the words “five hundred crores”, the words “five thousand crores” shall be substituted ;

(ii) for sub-section (2), the following shall be substituted, namely:—

“(2) The capital of the National Bank shall be subscribed to by the Central Government and the Reserve Bank to such extent and in such proportion as may be notified by Central Government in consultation with the Reserve Bank, from time to time :



Provided that the National Bank may issue capital to such institutions and persons in such manner as may be notified by the Central Government :

Provided further that the combined shareholding of the Central Government and the Reserve Bank shall not at any time be less than fifty-one per cent of the total subscribed capital."

5. *Amendment of section 6.*—In section 6 of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

"(1) The Board of Directors of the National Bank shall consist of the following, namely:—

(a) a Chairman;

(b) three directors from amongst experts in rural economics, rural development, village and cottage industries, small-scale industries or persons having experience in the working of co-operative banks, regional rural banks or commercial banks or any other matter the special knowledge or professional experience in which is considered by the Central Government as useful to the National Bank ;

(c) three directors from out of the directors of the Reserve Bank;

(d) three directors from amongst the officials of the Central Government;

(e) four directors from amongst the officials of the State Governments ;

(f) such number of directors elected in the prescribed manner, by shareholders other than the Reserve Bank, the Central Government and other institutions owned or controlled by the Central Government whose names are entered on the register of shareholders of the National Bank ninety days before the date of the meeting in which such election takes place on the following basis, namely:—

(i) where the total amount of equity share capital issued to such shareholders is ten per cent or less of the total issued equity capital.	two directors;
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(ii) where the total amount of equity share capital issued to such shareholders is more than ten per cent but less than twenty-five per cent of the total issued equity capital.	three directors: and
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(iii) where the total equity share capital issued to such shareholders is twenty-five per cent or more of the total issued equity capital.	Four directors :
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Provided that until the assumption of charge by the elected directors under this clause, the Central Government may at any time nominate such number of directors not exceeding four from amongst persons having special knowledge of, and professional experience in, agricultural science, technology, economics, banking, co-operatives, law, rural finance, investment, accountancy, marketing or any other matter, the special knowledge of, and professional experience in, which would, in the opinion of the

Central Government, be useful to the National Bank for carrying out its functions ; and

(g) a Managing Director.

(2) The Chairman and other directors, excluding the directors referred to in clause (f), shall be appointed by the Central Government in consultation with the Reserve Bank :

Provided that no such consultation shall be necessary in the case of directors appointed under clause (d) of sub-section (1)."

6. *Amendment of section 7.*—In section 7 of the principal Act,—

(i) in sub-section (1), the words "and shall be eligible for re-appointment" shall be added at the end ;

(ii) after sub-section (1A), the following sub-section shall be inserted, namely:—

"(1B) In the case of a vacancy in the office of the Chairman, the Managing Director shall perform the functions and duties of the Chairman during such vacancy."

(iii) in sub-section (2), the words "and thereafter until his successor enters upon his office" shall be omitted ;

(iv) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) The Chairman and any other director, who is not an officer of the Central Government or a State Government or an officer of the Reserve Bank or any body or Corporation established by or under any Central Act or any State Act and owned or controlled by such Government, shall be paid such fees and allowances as may be prescribed for attending the meetings of the Board or of any of its committees and for attending to any other work of the National Bank."

7. *Amendment of section 8.*—In section 8 of the principal Act, in sub-section (1), in clause (a), the words "and shall be eligible for re-appointment" shall be added at the end.

8. *Amendment of section 12.*—In section 12 of the principal Act, in sub-section (2), after the words "unable to attend any meeting.", the words "the Managing Director and in the absence of both, the Chairman and the Managing Director." shall be inserted.

9. *Amendment of section 14.*—In section 14 of the principal Act, in sub-section (1), for the words "The Board shall", the words "The Board may" shall be substituted.

10. *Amendment of section 19.*—In section 19 of the principal Act,—

(i) for clause (a), the following clause shall be substituted and shall be deemed to have been substituted with effect from the 26th day of September, 2000, namely:—

"(a) issue and sell bonds, debentures and other financial instruments with or without guarantee of the Central Government on such terms and conditions as may be approved by the Board ;"

(ii) for clauses (b) to (e), the following clauses shall be substituted, namely:—

"(b) borrow money from the Reserve Bank repayable on demand or otherwise on such terms and conditions including the terms

relating to security and purposes as may be specified by the Reserve Bank :

- (c) borrow money from the Central Government and from any other authority or organisation or institution approved by the Board, on such terms and conditions as may be agreed upon ;
- (d) accept from the Central Government, a State Government, a local authority, a State land development bank, a State co-operative bank or a scheduled bank or any person or body, whether incorporated or not, deposits repayable on such terms as the National Bank may, with the approval of the Reserve Bank, fix ; and
- (e) receive gifts, grants, donations or benefactions from the Central Government or any State Government or any other source.”.

**11. Substitution of new section for section 20.**—For section 20 of the principal Act, the following section shall be substituted, namely:—

“20. *Borrowings in foreign currency.*—Notwithstanding anything contained in the Foreign Exchange Management Act, 1999 (42 of 1999) or in any other law for the time being in force, relating to foreign exchange, the National Bank may borrow, with the previous approval of the Central Government and in consultation with the Reserve Bank, foreign currency from any bank or financial institution in India or elsewhere, for granting loans and advances or for utilising such currency for any other purpose specified under the provisions of this Act.”.

**12. Amendment of section 25.**—In section 25 of the principal Act, in sub-section (1), in clause (d), after the words “by way of refinance”, the words “or otherwise” shall be inserted.

**13. Substitution of new section for section 26.**—For section 26 of the principal Act, the following section shall be substituted, namely:—

“26. *Purchase and sale of shares.*—The National Bank may subscribe to, or purchase or sell stocks, bonds or debentures of, or invest in the securities of, any institution or class of institutions concerned with agriculture and rural development which the Board may approve subject to such terms and conditions as it may deem fit.”.

**14. Insertion of new section 27A.**—After section 27 of the principal Act, the following section shall be inserted, namely:—

“27A. *Loans to State Government, undertakings etc.*—The National Bank may make loans and advances to any State Government or a corporation owned or controlled by the State Government or to any other person or class of persons, as may be approved by the Board, repayable on the expiry of a fixed period not exceeding twenty five years from the date of making of such loans and advances and subject to such terms and condition, as may be approved by the Board, for the purpose of development of infrastructure facilities for promotion of agriculture and rural development.”.

**15. Amendment of section 28.**—In section 28 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

- “(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), no guarantee or security referred to therein shall be required in cases in which the Board, for reasons to be recorded in writing, decides that no such security or guarantee is necessary in respect of a scheduled

bank, a State co-operative bank or any person or class of persons, specifically approved by the Board or in respect of any scheme or class of schemes, having regard to the nature and scope of the scheme or schemes for which accommodation is proposed to be granted by the National Bank.”.

**16. Amendment of section 29.**—In section 29 of the principal Act, after sub-section (2), the following shall be inserted, namely:—

- “(3) Notwithstanding anything to the contrary contained in any law for the time being in force, where a liquidator is appointed for winding up a borrowing institution, it shall be the duty of the liquidator to forthwith pass on to the National Bank the sums recovered by the borrowing institution or the liquidator, as the case may be, in repayment or realisation of the loans and advances refinanced either wholly or partly by the National Bank to the extent the refinance is outstanding and the National Bank shall be entitled to enforce the securities held by the borrowing institution in trust for the National Bank as if every reference to the borrowing institution in any contract, security or other document obtained by borrowing institution is a reference to the National Bank and accordingly, the National Bank shall be entitled to recover the balance sums due under such loans and advances from the constituents of borrowing institution and any discharge given by the National Bank to such constituent shall be a valid discharge and the liquidator shall, on demand made by the National Bank, deliver to it all such contracts, securities and other documents, for due enforcement thereof by the National Bank.

*Explanation.*—For the purposes of this sub-section, the word “liquidator” shall include liquidator or a provisional liquidator or any person or authority entrusted with the duty of liquidating the borrowing institution.”.

**17. Substitution of new sections for section 30.**—For section 30 of the principal Act, the following sections shall be substituted, namely:—

“30. *Direct loans.*—The National Bank may, in exceptional circumstances to be recorded in writing by the Board, by itself or in association with other financial institutions or scheduled banks, make loans and advances, otherwise than by way of refinance to any person or class of persons or body corporate, on such terms and conditions, including security and repayable within such period not exceeding twenty-five years, as the National Bank may deem fit.

30A. *Bills rediscounting.*—The National Bank may rediscount bills of exchange and promissory notes made, drawn, accepted or endorsed by any company or body corporate concerned with agriculture and rural development presented by a scheduled bank, a State co-operative bank, State land development bank, regional rural bank or any other institution or class of institutions approved by the Board.”.

**18. Substitution of new section for section 32.**—For section 32 of the principal Act, the following section shall be substituted, namely:—

“32. *Issue of guarantees.*—The National Bank may guarantee, subject to such directions as may be issued by the Board, from time to time, deferred payments in connection with the purchase of capital goods or for any other purpose for giving effect to the provisions of this Act, due from any person or class of persons, whether in incorporated or not.”.

**19. Amendment of section 33.**—In section 33 of the principal Act, for the words "under this Chapter with a borrowing institution the words "under this Act with a borrower" shall be substituted.

**20. Substitution of new section for section 34.**—For section 34 of the principal Act, the following section shall be substituted, namely:—

**"34. Power to call for repayment before agreed period.**—Notwithstanding anything to the contrary contained in any agreement or arrangement, the National Bank may, by notice in writing, require any borrower or assisted person to whom it has granted any loan or other financial assistance including grants, to discharge forth with in full, the loan or other financial assistance, including grants, as the case may be,—

- (a) if it appears to the National Bank that false or misleading information in any material particulars was given in the application for the loan or other financial assistance ; or
- (b) if the borrower or the person has failed to comply with any of the terms of the contract or arrangement with the National Bank in the matter of loan or other financial assistance, including grants ; or
- (c) if there is a reasonable apprehension that the borrower is unable to pay its debts or that proceedings for liquidation may be commenced in respect thereof ; or
- (d) if for any reason it is necessary so to do, to protect the interests of the National Bank."

**21. Amendment of section 35.**—In section 35 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—

**"(1)** The National Bank shall have free access to all such records of a borrower seeking to avail any credit or other facilities from the National Bank under this Act and also to all such records of any person seeking to avail of any credit or other facilities from such borrower, perusal whereof may appear to the National Bank to be necessary in connection with the providing of finance or other assistance to such borrower or the refinancing of any loan or advance made to such person by the borrower."

**22. Insertion of new section 37A.**—After section 37 of the principal Act, the following section shall be inserted, namely:—

**"37A. Prohibited business.**—(1) The National Bank shall not make any loans or advances under section 30 or make any grants under this Act to any person or body of persons of which any of the directors of the National Bank is a proprietor partner, Director, Manager, Agent employee or guarantor or in which one or more directors of the National Bank together hold substantial interest :

**Provided that this sub-section shall not apply to any borrower if any director of the National Bank—**

- (a) is nominated as director of the Board of such borrower by the Government or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956) or by a corporation established by any other law ;

- (b) is elected on the board of such borrower by virtue of shares held in the borrower

organisation by the Government, or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956) or by a corporation established by any other law.

by reason only of such nomination or election, as the case may be.

**Explanation.**—For the purposes of this sub-section, "substantial interest", in relation to a borrower, means the beneficial interest held by one or more of the directors of the National Bank or by any relative of such director as defined in clause (41) of section 2 of the Companies Act, 1956 (1 of 1956) whether singly or taken together, in the shares of the borrower, the aggregate amount paid up on which either exceeds five lakhs of rupees or five percent of the paid-up share capital of the borrower, whichever is lesser,

(2) The provisions of sub-section (1)—

- (a) shall not apply to any borrower, if the National Bank is satisfied that it is necessary in the public interest to enter into business with that borrower and entering into any kind of business with such borrower shall be in accordance with and subject to such conditions and limitations, as may be approved by the Board ;

- (b) shall not apply to any transaction relating to the business entered into prior to the commencement of the National Bank for Agriculture and Rural Development (Amendment) Act, 2000, and all such business and any transaction in relation thereto may be implemented or continued as if that Act had not come into force ;

- (c) shall apply only so long as the conditions precedent to such disability as set out in the said sub-section continue. .

**23. Amendment of section 38.**—In section 38 of the principal Act,

- (a) in clause (iii), for the words "make grants", the words "make loans or advances or grants" shall be substituted ;

- (b) after clause (iii), the following clauses shall be inserted, namely:—

**"(iv)** may provide technical, legal, financial, marketing and administrative assistance to any person engaged in agriculture and rural development activities ;

- (v) may provide consultancy services in the field of agriculture and rural development and other related matters in or outside India, on such terms and against such remuneration, as may be agreed upon ;

- (vi) may perform the functions entrusted to or required of the National Bank by any other law for the time being in force ; and

- (vii) do any other kind of business or undertake any other kind of activity which the Central Government or the Reserve Bank may authorise."

**24. Insertion of new section 38A to 38C.**—After section 38 of the principal Act, the following sections shall be inserted, namely:—

**"38A. Promotion of subsidiaries.**—The National Bank may, in consultation with the Reserve Bank, promote, form or manage or associate

itself in promotion, formation or management of companies, subsidiaries affiliates, societies, trusts or such other association of persons, as it may deem fit, for the purpose of carrying out its functions under this Act.

**38B. Securitisation of debt.**—Notwithstanding anything contained in this Act, the National Bank may—

- (a) Create one or more trusts and transfer loans and advances granted by it, with or without the securities, to such trusts, for consideration;
- (b) set aside loans or advances held by the National Bank and issue and shell securities based upon such loans or advances so set aside in the form of debt obligations trust certificates of beneficial interest or other instruments, by whatever name called, and act as a trustee for the holders of such securities.

**38C. Exemption from compulsory registration.**—Notwithstanding anything contained in sub-section (1) of section 17 of the Registration Act, 1908, (16 of 1908),

- (a) any instrument in the form of debt obligations or trust certificate of beneficial interest or any other instrument, by whatsoever name called, issued by the National Bank or the trust created by it to securitise the loans granted by it and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immovable property; or
- (b) any transfer of such instruments referred to in clause (a), shall not require Compulsory registration."

**25. Substitution of new section for section 40.**—For section 40 of the principal Act, the following section shall be substituted, namely:—

**40. Deposits and investments.**—(1) The National Bank may invest its funds in promissory notes, stocks or securities of the Central Government or keep the moneys deposited with the Reserve Bank or with any agency of the Reserve Bank or with a State Co-operative bank or a scheduled bank.

- (2) Notwithstanding anything contained in sub-section (1) or section 30A, the National Bank may, for beneficial investment of its surplus funds, rediscount bills of exchange or promissory notes arising out of *bonafide* trade and commercial transactions and also lend repayable at call or short notice to a scheduled bank or any financial institution approved by the Reserve Bank, or invest in certificates of deposit and other instruments or schemes as may be approved by the Board."

**26. Amendment of section 44.**—In section 44 of the principal Act, in sub-section (2), for the words "making of grants", the word "making of loans or advances or grants" shall be substituted.

**27. Amendment of section 45.**—In section 45 of the principal Act, for the words "and such other Fund" the words "and other Funds" shall be substituted.

**28. Amendment of section 47.**—In section 47 of the principal Act, for clause (ii), the following clause shall be substituted, namely:—

- (ii) after the expiry of the said period of fifteen years, the Board shall, after making provision for the Fund referred to in

clause (i), disburse or spend the balance of the surplus in such manner as may be approved by the Board."

**29. Insertion of new section 52A.**—After section 52 of the principal Act, the following section shall be inserted, namely:—

**"52A. Agreement with National Bank on appointment of directors to prevail.**—(1) Where any agreement entered into by the National Bank with a company or a body corporate while granting loans and advances, provides for the appointment by the National Bank of one or more directors of such company or body corporate, such provision and any appointment of directors made in pursuance thereof shall be valid and effective, notwithstanding anything to the contrary contained in the Companies Act, 1956 (1 of 1956) or in any other law for the time being in force, or in the memorandum, articles of association or any other instrument relating to the company or body corporate, and any provision regarding share qualification, age-limit, number of directorships, removal from office of directors and such like conditions contained in any such law or instrument aforesaid, shall not apply to any director appointed by the National Bank in pursuance of the agreement as aforesaid.

(2) Any director appointed as aforesaid shall—

- (a) hold office during the pleasure of the National Bank and may be removed or substituted by any person by order in writing of the National Bank;
- (b) not incur any obligation or liability by reason only of his being a director or for anything done or omitted to be done in good faith in the discharge of his duties as a director or anything in relation thereto;
- (c) not be liable to retirement by rotation and shall not be taken into account for computing the number of directors liable to such retirement."

**30. Amendment of section 60.**—In section 60 of the principal Act, in sub-section (2),—

- (i) for clause (e), the following clause shall be substituted, namely:—

"(e) the manner of election of directors under clause (f) of sub-section (1) of section 6;"

- (ii) clauses (f) and (h) shall be omitted.

**31. Repeal and saving.**—(1) The National Bank for Agriculture and Rural Development (Amendment) (Ordinance, 2000) (Ord. 4 of 2000) is hereby repealed.

- (2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

(Assented on 31-12-2000)

THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000

(ACT No. 56 OF 2000)

AN

ACT

to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and

protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under this enactment.—

WHEREAS the Constitution has, in several provisions including clause (3) of article 15, clauses (e) and (f) of article 39, articles 45 and 47, impose on the State a primary responsibility of ensuring that all the needs of children are met and that their basic human rights are fully protected :

AND WHEREAS, the General Assembly of the United Nations has adopted the Convention on the Rights of the Child on the 20th November, 1989 ;

AND WHEREAS, the Convention on the Rights of the Child has prescribed a set of standards to be adhered to by all State parties in securing the best interests of the child ;

AND WHEREAS, the Convention on the Rights of the Child emphasises social reintegration of child victims to the extent possible, without resorting to judicial proceedings;

AND WHEREAS, the Government of India has ratified the Convention on the 11th December, 1992.

AND WHEREAS, it is expedient to re-enact the existing law relating to juveniles bearing in mind the standards prescribed in the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 the Beijing Rules, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990), and all other relevant international instruments.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Juvenile Justice (Care and Protection of Children) Act, 2000.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "advisory board" means a Central or a State advisory board or a district and city level advisory board, as the case may be, constituted under section 62 ;

(b) "begging" means—

(i) soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, whether under any pretence;

(ii) exposing or exhibiting with the object of obtaining or extorting alms, any sore wound, injury, deformity or disease, whether of himself or of any other person or of an animal;

(c) "Board" means a Juvenile Justice Board constituted under section 4 ;

(d) "Child in need of care and protection" means a child—

(i) who is found without any home or settled place or abode and without any ostensible means of subsistence.

(ii) who resides with a person (whether a guardian of the child or not) and such person—

(a) has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out; or

(b) has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused; or neglected by that person.

(iii) who is mentally or physically challenged or ill children or children suffering from terminal diseases or incurable diseases having no one to support or lookafter;

(iv) who has a parent or guardian and such parent or guardian is unfit or incapacitated to exercise control over the child;

(v) who does not have parent and no one is willing to take care of or whose parents have abandoned him or who is missing and runaway child and whose parents cannot be found after reasonable inquiry;

(vi) who is being or is likely to be grossly abused, tortured or exploited for the purpose of sexual abuse or illegal acts,

(vii) who is found vulnerable and is likely to be inducted into drug abuse or trafficking;

(viii) who is being or is likely to be abused, for unconscionable gains; or

(ix) who is victim of any armed conflict, civil commotion or natural calamity.

(e) "children's home" means an institution established by a State Government or by voluntary organisation and certified by that Government under section 34 ;

(f) "Committee" means a Child Welfare Committee constituted under section 29 ;

(g) "competent authority" means in relation to children in need of care and protection a Committee and in relation to juveniles in conflict with law a Board ;

(h) "fit institution" means a governmental or a registered non-governmental organisation or a voluntary organisation prepared to own the responsibility of a child and such organisation is found fit by the competent authority ;

(i) "fit person" means a person, being a social worker or any other person, who is prepared to own the responsibility of a child and is found fit by the competent authority to receive and take care of the child ;

(j) "guardian", in relation to a child, means his natural guardian or any other person having the actual charge or control over the child and recognised by the competent authority as a guardian in course of proceedings before that authority ;

(k) "juvenile" or "child" means a person who has not completed eighteenth year of age ;

(l) "juvenile in conflict with law" means a juvenile who is alleged to have committed an offence ;



- (m) "local authority" means Panchayats at the village and Zila Parishad at the district level and shall also include a Municipal Committee or Corporation or a Cantonment Board or such other body legally entitled to function as local authority by the Government ;
- (n) "narcotic drug" and "psychotropic substance" shall have the meanings respectively assigned to them in the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) ;
- (o) "observation home" means a home established by a State Government or by a voluntary organisation and certified by that State Government under section 8 as an observation home for the juvenile in conflict with law ;
- (p) "offence" means an offence punishable under any law for the time being in force ;
- (q) "place of safety" means any place or institution (not being a police lockup or jail), the person in charge of which is willing temporarily to receive and take care of the juvenile and which, in the opinion of the competent authority, may be a place of safety for the juvenile ;
- (r) "prescribed" means prescribed by rules made under this Act ;
- (s) "probation officer" means an officer appointed by the State Government as a probation officer under the Probation of Offenders Act, 1958 (20 of 1958) ;
- (t) "public place" shall have the meaning assigned to it in the Immoral Traffic (Prevention) Act 1956 (104 of 1956) ;
- (u) "shelter home" means a home or a drop-in centre set up under section 37 ;
- (v) "special home" means an institution established by a State Government or by a voluntary organisation and certified by that Government under section 9 ;
- (w) "special juvenile police unit" means a unit of the police force of a State designated for handling of juveniles or children under section 63 ;
- (x) "State Government", in relation to a Union territory, means the Administrator of that Union territory appointed by the President under article 239 of the Constitution ; or
- (y) all words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1973, (2 of 1974) shall have the meaning respectively assigned to them in that Code.
3. *Continuation of inquiry in respect of juvenile who has ceased to be a juvenile.*—Where an inquiry has been initiated against a juvenile in conflict with law or a child in need of care and protection and during the course of such inquiry the juvenile or the child ceases to be such, then notwithstanding anything contained in this Act or in any other law for the time being in force, the inquiry may be continued and orders may be made in respect of such person as if such person had continued to be a juvenile or a child.

## CHAPTER II

### JUVENILE IN CONFLICT WITH LAW

4. *Juvenile Justice Board.*—(1) Notwithstanding contained in the Code of Criminal Procedure, 1973, (2 of 1974), the State Government may, by notification in the Official Gazette, constitute for a district or a group of districts specified in the notification, one or more Juvenile Justice Boards for exercising the powers and

discharging the duties conferred or imposed on such Boards in relation to juveniles in conflict with law under this Act.

(2) A Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of the first class, as the case may be, and two social workers of whom at least one shall be a woman, forming a Bench and every such Bench shall have the powers conferred by the Code of Criminal Procedure, 1973, (2 of 1974), on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of the first class and the Magistrate on the Board shall be designated as the principal Magistrate.

(3) No Magistrate shall be appointed as a member of the Board unless he has special knowledge or training in child psychology or child welfare and no social worker shall be appointed as a member of the Board unless he has been actively involved in health, education, or welfare activities pertaining to children for at least seven years.

(4) The term of office of the members of the Board and the manner in which such member may resign shall be such as may be prescribed.

(5) The appointment of any member of the Board may be terminated after holding inquiry, by the State Government, if—

- (i) he has been found guilty of misuse of power vested under this Act,
- (ii) he has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or he has not been granted full pardon in respect of such offence,
- (iii) he fails to attend the proceedings of the Board for consecutive three months without any valid reason or he fails to attend less than three-fourth of the sittings in a year.

5. *Procedure, etc., in relation to Board.*—(1) The Board shall meet at such times and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed.

(2) A child in conflict with law may be produced before an individual member of the Board, when the Board is not sitting.

(3) A Board may act notwithstanding the absence of any member of the Board, and no order made by the Board shall be invalid by reason only of the absence of any member during any stage of proceedings :

Provided that there shall be at least two members including the principal Magistrate present at the time of final disposal of the case.

(4) In the event of any difference of opinion among the members of the Board in the interim or final disposition, the opinion of the majority shall prevail, but where there is no such majority, the opinion of the principal Magistrate shall prevail.

6. *Power of juvenile Justice Board.*—(1) Where a Board has been constituted for any district or a group of districts, such Board shall, notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, have power to deal exclusively with all proceedings under this Act relating to juvenile in conflict with law.

(2) The powers conferred on the Board by or under this Act may also be exercised by the High Court and the Court of Session, when the proceeding comes before them in appeal, revision or otherwise.

7. *Procedure to be followed by a Magistrate not empowered under the Act.*—(1) When any Magistrate not empowered to exercise the powers of a Board under this Act is of the opinion that a person brought



before him under any of the provisions of this Act (other than for the purpose of giving evidence), is a juvenile or the child, he shall without any delay record such opinion and forward the juvenile or the child and the record of the proceeding to the competent authority having jurisdiction over the proceeding.

(2) The competent authority to which the proceeding is forwarded under sub-section (1) shall hold the inquiry as if the juvenile or the child had originally been brought before it.

**8. Observation homes.**—(1) Any State Government may establish and maintain either by itself or under an agreement with voluntary organisations observation homes in every district or a group of districts, as may be required for the temporary reception of any juvenile in conflict with law during the pendency of any inquiry regarding them under this Act.

(2) Where the State Government is of opinion that any institution other than a home established or maintained under sub-section (1), is fit for the temporary reception of juvenile in conflict with law during the pendency of any inquiry regarding them under this Act, it may certify such institution as an observation home for the purposes of this Act.

(3) The State Government may, by rules made under this Act, provide for the management of observation homes, including the standards and various types of services to be provided by them for rehabilitation and social integration of a juvenile, and the circumstances under which, and the manner in which, the certification of an observation home may be granted or withdrawn.

(4) Every juvenile who is not placed under the charge of parent or guardian and is sent to an observation home shall be initially kept in a reception unit of the observation home for preliminary inquiries, care and classification for juveniles according to his age group, such as seven to twelve years, twelve to sixteen years and sixteen to eighteen years, giving due considerations to physical and mental status and degree of the offence committed, for further induction into observation home.

**9. Special homes.**—(1) Any State Government may establish and maintain either by itself or under an agreement with voluntary organisations, special homes in every district or a group of districts, as may be required for reception and rehabilitation of juvenile in conflict with law under this Act.

(2) Where the State Government is of opinion that any institution other than a home established or maintained under sub-section (1), is fit for the reception of juvenile in conflict with law to be sent there under this Act, it may certify such institution as a special home for the purposes of this Act.

(3) The State Government may, by rules made under this Act, provide for the management of special homes, including the standards and various types of services to be provided by them which are necessary for re-socialisation of a juvenile, and the circumstances under which, and the manner in which, the certification of a special home may be granted or withdrawn.

(4) The rules made under sub-section (3) may also provide for the classification and separation of juvenile in conflict with law on the basis of age and the nature of offences committed by them and his mental and physical status.

**10. Apprehension of juvenile in conflict with law.**—(1) As soon as a juvenile in conflict with law is apprehended by police, he shall be placed under the charge of the special juvenile police unit or the designated police officer who shall immediately report the matter to a member of the Board.

(2) The State Government may make rules consistent with this Act,—

(i) to provide for persons through whom (including registered voluntary organisations) any juvenile in conflict with law may be produced before the Board ;

(ii) to provide the manner in which such juvenile may be sent to an observation home.

**11. Control of custodian over juvenile.**—Any person in whose charge a juvenile is placed in pursuance of this Act shall, while the order is in force have the control over the juvenile as he would have if he were his parents, and shall be responsible for his maintenance and the juvenile shall continue in his charge for the period stated by competent authority, notwithstanding that he is claimed by his parents or any other person.

**12. Bail of juvenile.**—(1) When any person accused of a bailable or non-bailable offence, and apparently a juvenile, is arrested or detained or appears or is brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety but he shall not be so released if there appear reasonable grounds for believing that the release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice.

(2) When such person having arrested is not released on bail under sub-section (1) by the officer in charge of the police station, such officer shall cause him to be kept only in an observation home in the prescribed manner until he can be brought before a Board.

(3) When such person is not released on bail under sub-section (1) by the Board it shall, instead of committing him to prison, make an order sending him to an observation home or a place of safety for such period during the pendency of the inquiry regarding him as may be specified in the order.

**13. Information to parent, guardian or probation officer.**—Where a juvenile is arrested, the officer in charge of the police station or the special juvenile police unit to which the juvenile is brought shall, as soon as may be after the arrest, inform—

(a) the parent or guardian of the juvenile, if he can be found of such arrest and direct him to be present at the Board before which the juvenile will appear ; and

(b) the probation officer of such arrest to enable him to obtain information regarding the antecedents and family background of the juvenile and other material circumstances likely to be of assistance to the Board for making the inquiry.

**14. Inquiry by Board regarding juvenile.**—Where juvenile having been charged with the offence is produced before a Board, the Board shall hold the inquiry in accordance with the provisions of this Act and may make such order in relation to the juvenile as it deems fit :

Provided that an inquiry under this section shall be completed within a period of four months from the date of its commencement, unless the period is extended by the Board having regard to the circumstances of the case and in special cases after recording the reasons in writing for such extension.

**15. Order that may be passed regarding juvenile.**—(1) Where a Board is satisfied on inquiry that a juvenile has committed an offence, then, notwithstanding anything to the contrary contained in any other law for the time being in force, the Board may, if it thinks so fit,—

(a) allow the juvenile to go after advice or admonition following appropriate inquiry against and

counselling to the parent or the guardian and the juvenile ;

(b) direct the juvenile to participate in group counselling and similar activities ;

(c) order the juvenile to perform community service ;

(d) order the parent of the juvenile or the juvenile himself to pay a fine, if he is over fourteen years of age and earns moneys ;

(e) direct the juvenile to be released on probation of good conduct and placed under the care of any parent, guardian or other fit person, on such parent, guardian or other fit person executing a bond, with or without surety, as the Board may require, for the good behaviour and well-being of the juvenile for any period not exceeding three years ;

(f) direct the juvenile to be released on probation of good conduct and placed under the care of any fit institution for the good behaviour and well being of the juvenile for any period not exceeding three years ;

(g) make an order directing the juvenile to be sent to a special home,—

(i) in the case of juvenile, over seventeen years but less than eighteen years of age for a period of not less than two years ;

(ii) in case of any other juvenile for the period until he ceases to be a juvenile ;

Provided that the Board may, if it is satisfied that having regard to the nature of the offence and the circumstances of the case it is expedient so to do, for reasons to be recorded, reduce the period of stay to such period as it thinks fit.

(2) The Board shall obtain the social investigation report on juvenile either through a probation officer or a recognised voluntary organisation or otherwise, and shall take into consideration the findings of such report before passing an order.

(3) Where an order under clause (d), clause (e) or clause (f) of sub-section (1) is made, the Board may, if it is of opinion that in the interests of the juvenile and of the public, it is expedient so to do, in addition make an order that the juvenile in conflict with law shall remain under the supervision of a probation officer named in the order during such period, not exceeding three years as may be specified therein, and may in such supervision order impose such conditions as it deems necessary for the due supervision of the juvenile in conflict with law :

Provided that if at any time afterwards it appears to the Board on receiving a report from the probation officer or otherwise, that the juvenile in conflict with law has not been of good behaviour during the period of supervision or that the fit institution under whose care the juvenile was placed is no longer able or willing to ensure the good behaviour and well being of the juvenile it may, after making such inquiry as it deems fit, order the juvenile in conflict with law to be sent to a special home.

(4) The Board shall while making a supervision order under sub-section (3), explain to the juvenile and the parent, guardian or other fit person or fit institution, as the case may be, under whose care the juvenile has been placed, the terms and conditions of the order and shall forthwith furnish one copy of the supervision order to the juvenile, the parent, guardian or other fit person or fit institution, as the case may be, the sureties, if any, and the probation officer.

#### 16. Order that may not be passed against juvenile.

(1) Notwithstanding anything to the contrary contained

in any other law for the time being in force, no juvenile in conflict with law shall be sentenced to death or life imprisonment, or committed to prison in default of payment of fine or in default of furnishing security :

Provided that where a juvenile who has attained the age of sixteen years has committed an offence and the Board is satisfied that the offence committed is of so serious in nature or that his conduct and behaviour have been such that it would not be in his interest or in the interest of other juvenile in a special home to send him to such special home and that none of the other measures provided under this Act is suitable or sufficient the Board may order the juvenile in conflict with law to be kept in such place of safety and in such manner as it thinks fit and shall report the case for the order of the State Government

(2) On receipt of a report from a Board under sub-section (1), the State Government may make such arrangement in respect of the juvenile as it deems proper and may order such juvenile to be kept under protective custody at such place and on such conditions as it thinks fit :

Provided that the period of detention so ordered shall not exceed the maximum period of imprisonment to which the juvenile could have been sentenced for the offence committed.

17. *Proceeding under Chapter VIII of the Code of Criminal Procedure not competent against juvenile.*—Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 (2 of 1974), no proceeding shall be instituted and no order shall be passed against the juvenile under Chapter VIII of the said Code.

18. *No joint proceeding of juvenile and person not a juvenile.*—(1) Notwithstanding anything contained in section 223 of the Code of Criminal Procedure, 1973 (2 of 1974), or in any other law for the time being in force, no juvenile shall be charged with or tried for any offence together with a person who is not a juvenile.

(2) If a juvenile is accused of an offence for which under section 223 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force, such juvenile and any person who is not a juvenile would, but for the prohibition contained in sub-section (1), have been charged and tried together, the Board taking cognizance of that offence shall direct separate trials of the juvenile and the other person.

19. *Removal of disqualification attaching to conviction.*—(1) Notwithstanding anything contained in any other law, a juvenile who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attaching to a conviction of an offence under such law.

(2) The Board shall make an order directing that the relevant records of such conviction shall be removed after the expiry of the period of appeal or a reasonable period as prescribed under the rules, as the case may be.

20. *Special provision in respect of pending cases.*—Notwithstanding anything contained in this Act all proceeding in respect of a juvenile pending in any court in any area on the date on which this Act comes into force in that area, shall be continued in that court as if this Act had not been passed and if the court finds that the juvenile has committed an offence, it shall record such finding and instead of passing any sentence in respect of the juvenile, forward the juvenile to the Board which shall pass orders in respect of that juvenile in accordance with the provisions of this Act as if it had been satisfied, on inquiry under this Act that a juvenile has committed the offence.

21. *Prohibition of publication of name, etc., of juvenile involved in any proceeding under the Act.*—(1) No report in any newspaper, magazine, news-sheet or

visual media of any inquiry regarding a juvenile in conflict with law under this Act shall disclose the name, address or school or any other particulars calculated to lead to the identification of the juvenile nor shall any picture of any such juvenile be published :

Provided that for reasons to be recorded in writing the authority holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the interest of the juvenile.

(2) Any person contravening the provisions of sub-section (1) shall be punishable with fine, which may extend to one thousand rupees.

**22. Provisions in respect of escaped juvenile.**—Notwithstanding anything to the contrary contained in any other law for the time being in force, any police officer may take charge without warrant of a juvenile in conflict with law who has escaped from a special home or an observation home or from the care of a person under whom he was placed under this Act, and shall be sent back to the special home or the observation home or that person, as the case may be ; and no proceeding shall be instituted in respect of the juvenile by reason of such escape, but the special home, or the observation home or the person may, after giving the information to the Board which passed the order in respect of the juvenile, take such steps in respect of the juvenile as may be deemed necessary under the provisions of this Act.

**23. Punishment for cruelty to juvenile or child.**—Whoever, having the actual charge of or control over, a juvenile or the child, assaults, abandons, exposes or wilfully neglects the juvenile or causes or procures him to be assaulted, abandoned, exposed or neglected in a manner likely to cause such juvenile or the child unnecessary mental or physical suffering shall be punishable with imprisonment for a term which may extend to six months, or fine, or with both.

**24. Employment of juvenile or child for begging.**—(1) Whoever, employs or uses any juvenile or the child for the purpose or causes any juvenile to beg shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

(2) Whoever, having the actual charge of, or control over, a juvenile or the child abets the commission of the offence punishable under sub-section (1), shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

**25. Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to juvenile or child.**—Whoever gives, or causes to be given, to any juvenile or the child any intoxicating liquor in a public place or any narcotic drug or psychotropic substance except upon the order of duly qualified medical practitioner or in case of sickness shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

**26. Exploitation of juvenile or child employee.**—Whoever ostensibly procures a juvenile or the child for the purpose of any hazardous employment keep him in bondage and withholds his earnings or uses such earning for his own purposes shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

**27. Special offences.**—The offences punishable under sections 23, 24, 25 and 26 shall be cognizable.

**28. Alternative punishment.**—Where an act or omission constitute an offence punishable under this Act and also under any other Central or State Act, then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offences shall be liable to punishment only under such Act as provides for punishment which is greater in degree.

## CHAPTER III

### CHILD IN NEED OF CARE AND PROTECTION

**29. Child welfare Committee.**—(1) The State Government may, by notification in Official Gazette, constitute for every district or group of district, specified in the notification, one or more Child Welfare Committees for exercising the powers and discharge the duties conferred on such Committees in relation to child in need of care and protection under this Act.

(2) The Committee shall consist of a Chairperson and four other members as the State Government may think fit to appoint, of whom at least one shall be woman and another, an expert on matters concerning children.

(3) The qualifications of the Chairperson and the members, and the tenure for which they may be appointed shall be such as may be prescribed.

(4) The appointment of any member of the Committee may be terminated, after holding inquiry, by the State Government, if—

(i) he has been found guilty of misuse of power vested under this Act ;

(ii) he has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or he has not been granted full pardon in respect of such offence ;

(iii) he fails to attend the proceedings of the Committee for consecutive three months without any valid reason or he fails to attend less than three-fourth of the sittings in a year.

(5) The Committee shall function as a Bench of Magistrates and shall have the powers conferred by the Code of Criminal Procedure, 1973 (2 of 1974) on a Metropolitan Magistrate or as the case may be, a Judicial Magistrate of the first class.

**30. Procedure, etc., in relation to Committee.**—(1) The Committee shall meet at such times and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed.

(2) A child in need of care and protection may be produced before an individual member for being placed in safe custody or otherwise when the Committee is not in session.

(3) In the event of any difference of opinion among the members of the Committee at the time of any interim decision, the opinion of the majority shall prevail but where there is no such majority the opinion of the Chairperson shall prevail.

(4) Subject to the provisions of sub-section (1), the Committee may act, notwithstanding the absence of any member of the Committee, and no order made by the Committee shall be invalid by reason only of the absence of any member during any stage of the proceeding.

**31. Powers of Committee.**—(1) The Committee shall have the final authority to dispose of cases for the care, protection treatment, development and rehabilitation of the children as well as to provide for their basic needs and protection of human rights.

(2) Where a Committee has been constituted for any area, such Committee shall notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, have the power to deal exclusively with all proceedings under this Act relating to children in need of care and protection.

**32. Production before Committee.**—(1) Any child in need of care and protection may be produced before the Committee by one of the following persons—

(i) any police officer or special juvenile police unit or a designated police officer ;

(ii) any public servant;

(iii) child line, a registered voluntary organisation or by such other voluntary organisation or an agency may be recognised by the State Government;

(iv) any social worker or a public spirited citizen authorised by the State Government; or

(v) by the child himself.

(2) The State Government may make rules consistent with this Act to provide for the manner of making the report to the police and to the Committee and the manner of sending and entrusting the child to children's home pending the inquiry.

**33. Inquiry.**—(1) On receipt of a report under section 32, the Committee or any police officer or special juvenile police unit or the designated police officer shall hold an inquiry in the prescribed manner and the Committee, on its own or on the report from any person or agency as mentioned in sub-section (1) of section 32, may pass an order to send the child to the children's home for speedy inquiry by a social worker or child welfare officer.

(2) The inquiry under this section shall be completed within four months of the receipt of the order or within such shorter period as may be fixed by the Committee:

Provided that the time for the submission of the inquiry report may be extended by such period as the Committee may, having regard to the circumstance and for the reasons recorded in writing, determine.

§(3) After the completion of the inquiry if the Committee is of the opinion that the said child has no family or ostensible support, it may allow the child to remain in the children's home or shelter home till suitable rehabilitation is found for him or till he attains the age of eighteen years.

**34. Children's homes.**—(1) The State Government may establish and maintain either by itself or in association with the voluntary organisations, children's homes, in every district or group of districts, as the case may be, for the reception of child in need of care and protection during the pendency of any inquiry and subsequently for their care, treatment, education, training, development and rehabilitation.

(2) The State Government may, by rules made under this Act, provide for the management of children's homes including the standards and the nature of services to be provided by them, and the circumstances under which, and the manner in which, the certification of a children's home or recognition to a voluntary organisation may be granted or withdrawn.

**35. Inspection.**—(1) The State Government may appoint inspection committees for the children's homes (hereinafter referred to as the inspection committees) for the State, a district and city, as the case may be, for such period and for such purposes as may be prescribed.

(2) The inspection committee of a State, district or of a city shall consist of such number of representatives from the State Government, local authority (Committee, voluntary organisations and such other medical experts and social workers as may be prescribed.

**36. Social auditing.**—The Central Government or State Government may monitor and evaluate the functioning of the Children's homes at such period and through such persons and institutions as may be specified by that Government.

**37. Shelter homes.**—(1) The State Government may recognise, reputed and capable voluntary organisations and provide them assistance to set up and administer as many shelter homes for juveniles or children as may be required.

(2) The shelter homes referred in sub-section (1) shall function as drop-in-centres for the children in the need of urgent support who have been brought to such homes through such persons as are referred to in sub-section (1) of section 32.

(3) As far as possible, the shelter homes shall have such facilities as may be prescribed by the rules.

**38. Transfer.**—(1) If during the inquiry it is found that the child hails from the place outside the jurisdiction of the Committee, the Committee shall order the transfer of the child to the competent authority having jurisdiction over the place of residence of the child.

(2) Such juvenile or the child shall be escorted by the staff of the home in which he is lodged originally.

(3) The State Government may make, rules to provide for the travelling allowance to be paid to the child.

**39. Restoration.**—(1) Restoration of and protection to a child shall be the prime objective of any children's home or the shelter home.

(2) The children's home or a shelter home, as the case may be, shall take such steps as are considered necessary for the restoration of and protection to a child deprived of his family environment temporarily or permanently where such child is under the care and protection of a children's home or a shelter home, as the case may be.

(3) The Committee shall have the powers to restore any child in need of care and protection to his parent, guardian, fit person or fit institution, as the case may be, and give them suitable directions.

*Explanation.*—For the purposes of this section "restoration of child" means restoration to—

- (a) parents;
- (b) adopted parents;
- (c) foster parents.

## CHAPTER IV

### REHABILITATION AND SOCIAL REINTEGRATION

**40. Process of rehabilitation and social reintegration.**—The rehabilitation and social reintegration of a child shall begin during the stay of the child in a children's home or special home and the rehabilitation and social reintegration of children shall be carried out alternatively by (i) adoption, (ii) foster care, (iii) sponsorship, and (iv) sending the child to an after-care organisation.

**41. Adoption.**—(1) The primary responsibility for providing care and protection to children shall be that of his family.

(2) Adoption shall be resorted to for the rehabilitation of such children as are orphaned, abandoned, neglected and abused through institutional and non-institutional methods.

(3) In keeping with the provisions of the various guidelines for adoption issued from time to time by the State Government, the Board shall be empowered to give children in adoption and carry out such investigations as are required for giving children in adoption in accordance with the guidelines issued by the State Government from time to time in this regard.

(4) The Children's homes or the State Government run institutions for orphans shall be recognised as an adoption agencies both for scrutiny and placement of such children for adoption in accordance with guidelines issued under sub-section (3).

(5) No child shall be offered for adoption—

(a) until two members of the Committee declare the child legally free for placement in the case of abandoned children.



(b) till the two months period for reconsideration by the parent is over in the case of surrendered children, and

(c) without his consent in the case of a child who can understand and express his consent.

(6) The Board may allow a child to be given in adoption—

(a) to a single parent, and

(b) to parents to adopt a child of same sex irrespective of the number of living biological sons or daughters.

42. *Foster care.*—(1) The foster care may be used for temporary placement of those infants who are ultimately to be given for adoption.

(2) In foster care, the child may be placed in another family for a short or extended period of time, depending upon the circumstances where the child's own parents usually visit regularly and eventually after the rehabilitation, where the children may return to their own homes.

(3) The State Government may make rules for the purposes of carrying out the scheme of foster care programme of children.

43. *Sponsorship.*—(1) The Sponsorship Programme may provide supplementary support to families, to children's homes and to special homes to meet medical, nutritional, educational and other needs of the children with a view to improving their quality of life.

(2) The State Government may make rules for the purposes of carrying out various schemes of sponsorship of children, such as individual to individual sponsorship, group sponsorship or community sponsorship.

44. *After-care organisation.*—The State Government may, by rules made under this Act, provide—

(a) for the establishment or recognition of after-care organisations and the functions that may be performed by them under this Act;

(b) for a scheme of after-care programme to be followed by such after-care organisations for the purpose of taking care of juveniles or the children after they leave special homes, children homes and for the purpose of enabling them to lead an honest, industrious and useful life;

(c) for the preparation or submission of a report by the probation officer or any other officer appointed by that Government in respect of each juvenile or the child prior to his discharge from a special home, children's home, the necessity and nature of after care of such juvenile or of a child, the period of such after-care, supervision thereof and for the submission of report by the probation officer or any other officer appointed for the purpose, on the progress of each juvenile or the child;

(d) for the standards and the nature of services to be maintained by such after-care organisations;

(e) for such other matters as may be necessary for the purpose of carrying out the scheme of after-care programme for the juvenile or the child:

Provided that any rule made under this section shall not provide for such juvenile or child to stay in the after-care organisation for more than three years;

Provided further that a juvenile or child over seventeen years of age but less than eighteen years of age would stay in the after-care organisation till he attains the age of twenty years.

45. *Linkages and co-ordination.*—The State Government may make rules to ensure effective linkages between various governmental, non-governmental, corporate and other community agencies for facilitating the rehabilitation and social reintegration of the child.

## CHAPTER V

### MISCELLANEOUS

46. *Attendance of parent or guardian of juvenile or child.*—Any competent authority before which a juvenile or the child is brought under any of the provisions of this Act, may, whenever it so thinks fit, require any parent or guardian having the actual charge of or control over the juvenile or the child to be present at any proceeding in respect of the juvenile or the child.

47. *Dispensing with attendance of juvenile or child.*—If, at any stage during the course of an inquiry, a competent authority is satisfied that the attendance of the juvenile or the child is not essential for the purpose of inquiry the competent authority may dispense with his attendance and proceed with the inquiry in the absence of the juvenile or the child.

48. *Committal to approved place of juvenile or child suffering from dangerous diseases and his future disposal.*—(1) When a juvenile or the child who has been brought before a competent authority under this Act, is found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment, the competent authority may send the juvenile or the child to any place recognised to be an approved place in accordance with the rules made under this Act for such period as it may think necessary for the required treatment.

(2) Where a juvenile or the child is found to be suffering from leprosy, sexually transmitted disease, Hepatitis B, open cases of Tuberculosis and such other diseases or is of unsound mind, he shall be dealt with separately through various specialised referral services or under the relevant laws as such.

49. *Presumption and determination of age.*—(1) Where it appears to a competent authority that person brought before it under any of the provisions of this Act (otherwise than for the purpose of giving evidence) is a juvenile or the child, the competent authority shall make due inquiry so as to the age of that person and for that purpose shall take such evidence as may be necessary (but not an affidavit) and shall record a finding whether the person is a juvenile or the child or not, stating his age as nearly as may be.

(2) No order of a competent authority shall be deemed to have become invalid merely by any subsequent proof that the person in respect of whom the order has been made is not a juvenile or the child, and the age recorded by the competent authority to be the age of person so brought before it, shall for the purpose of this Act, be deemed to be the true age of that person.

50. *Sending a juvenile or child outside Jurisdiction.*—In the case of a juvenile or the child whose ordinary place of residence lies outside the jurisdiction of the competent authority before which he is brought, the competent authority may, if satisfied after due inquiry that it is expedient so to do, send the juvenile or the child back to a relative or other person who is fit and willing to receive him at his ordinary place of residence and exercise proper care and control over him, notwithstanding that such place of residence is outside the jurisdiction of the competent authority and the competent authority exercising jurisdiction over the place to which the juvenile or the child is sent shall in respect of any matter arising subsequently have the same powers in relation to the juvenile or the child as if the original order had been passed by itself.

51. *Reports to be treated as confidential.*—The report of the probation officer or social worker considered

by the competent authority shall be treated as confidential:

Provided that the competent authority may, if it so thinks fit, communicate the substance thereof to the juvenile or the child or his parent or guardian and may give such juvenile or the child, parent or guardian an opportunity of producing such evidence as may be relevant to the matter stated in the report.

**52. Appeals.**—(1) Subject to the provisions of this section, any person aggrieved by an order made by competent authority under this Act may, within thirty days from the date of such order, prefer an appeal to the Court of Session :

Provided that the Court of Session may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) No appeal shall lie from—

(a) any order of acquittal made by the Board in respect of a Juvenile alleged to have committed an offence : or

(b) any order made by a Committee in respect of a finding that a person is not a neglected juvenile.

(3) No second appeal shall lie from any order of the Court of Session passed in appeal under this section

**53. Revision.**—The High Court may, at any time, either of its own motion or on an application received in this behalf, call for the record of any proceeding in which any competent authority or Court of Session has passed an order for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit :

Provided that the High Court shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

**54. Procedure in inquiries, appeals and revision proceeding.**—(1) Save as otherwise expressly provided by this Act, a competent authority while holding any inquiry under any of the provisions of this Act, shall follow such procedure as may be prescribed and subject thereto, shall follow, as far as may be, the procedure laid down in the Code of Criminal Procedure, 1973 (2 of 1974) for trials in summons cases.

(2) Save as otherwise expressly provided by or under this Act, the procedure to be followed in hearing appeals or revision proceedings under this Act shall be, as far as practicable, in accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1974).

**55. Power to amend orders.**—(1) Without prejudice to the provisions for appeal and revision under this Act, any competent authority may, on an application received in this behalf, amend any order as to the institution to which a juvenile or the child is to be sent or as to the person under whose care or supervision a Juvenile or the child is to be placed under this Act :

Provided that there shall be at least two member and the parties or its defence present during the course of hearing for passing an amendment in relation to any of its order.

(2) Clerical mistakes in orders passed by a competent authority or errors arising therein from any accidental slip or omission may, at any time, be corrected by the competent authority either on its own motion or on an application received in this behalf.

**56. Power of competent authority to discharge and transfer juvenile or child.**—The competent authority or the local authority may, notwithstanding anything

contained in this Act, at any time, order a child in need of care and protection or a juvenile in conflict with law to be discharged or transferred from one children's home or special home to another, as the case may be, keeping in view the best interest of the child or the juvenile, and his natural place of stay, either absolutely or on such conditions as it may think fit to impose :

Provided that the total period of stay of the juvenile or the child in a children's home or a special home or a fit institution or under a fit person shall not be increased by such transfer.

**57. Transfer between children's homes, under the Act, and juvenile homes, of like nature in different parts of India.**—The State Government or the local authority may direct any child or the juvenile to be transferred from any children's home or special home outside the State to any other children's home, special home or institution of a like nature with the prior intimation to the local Committee or the Board, as the case may be, and such order shall be deemed to be operative for the competent authority of the area to which the child or the juvenile is sent.

**58. Transfer of juvenile or child of unsound mind or suffering from leprosy or addicted to drugs.**—Where it appears to the competent authority that any juvenile or the child kept in a special home or a children's home or shelter home or in an institution in pursuance of this Act, is suffering from leprosy or is of unsound mind or is addicted to any narcotic drug or psychotropic substance, the competent authority may order his removal to a leper asylum or mental hospital or treatment center for drug addicts or to a place of safety for being kept exceeding the period for which he is required to be kept there for such period not under the order of the competent authority or for such further period as may be certified by the medical officer necessary for the proper treatment of the juvenile or the child.

**59. Release and absence of juvenile or child on placement.**—(1) When a juvenile or the child is kept in a children's home or special home and on a report of a probation officer or social worker or of Government or a voluntary organisation, as the case may be, the competent authority may consider, the release of such juvenile or the child permitting him to live with his parent or guardian or under the supervision of any authorised person named in the order, willing to receive and take charge of the juvenile or the child to educate and train him for some useful trade or calling or to look after him for rehabilitation.

(2) The competent authority may also permit leave of absence to any juvenile or the child, to allow him, on special occasions like examination, marriage of relatives, death of kith and kin or the accident or serious illness of parent or any emergency of like nature, to go on leave under supervision, for maximum seven days, excluding the time taken in journey.

(3) Where a permission has been revoked or forfeited and the juvenile or the child refuses or fails to return to the home concerned or juvenile to which he was directed so to return the Board may, if necessary, cause him to be taken charge of and to be taken back to the concerned home.

(4) The time during which a juvenile or the child is absent from a concerned home in pursuance of such permission granted under this section shall be deemed to be part of the time for which he is liable to be kept in the special home :

Provided that when a juvenile has failed to return to the special home on the permission being revoked or forfeited, the time which elapses after his failure so to return shall be excluded in computing the time during which he is liable to be kept in the institution.

**60. Contribution by parents.**—(1) The competent authority which makes an order for sending a juvenile or the child to a children's home or to a special home or



placing the juvenile under the care of a fit person or fit institution may make an order requiring the parent or other person liable to maintain the juvenile or the child to contribute to his maintenance, if able to do so, in the prescribed manner according to income.

(2) The competent authority may direct, if necessary, the payment to be made to poor parent or guardian by the Superintendent or the Project Manager of the home to pay such expenses for the journey of the inmate or parent or guardian or both, from the home to his ordinary place of residence at the time of sending the juvenile as may be prescribed.

**61. Fund.**—(1) The State Government or local authority may create a Fund under such name as it thinks fit for the welfare and rehabilitation of the juvenile or the child dealt with under this Act.

(2) There shall be credited to the Fund such voluntary donations, contributions or subscriptions as may be made by any individual or organisation.

(3) The Fund created under sub-section (1) shall be administered by the State Advisory Board in such manner and for such purposes as may be prescribed.

**62. Central, State, District and City Advisory Boards.**—

(1) The Central Government or a State Government may constitute a Central or a State advisory board, as the case may be, to advise that Government on matter relating to the establishment and maintenance of the home, mobilisation of resources, provision of facilities for education, training and rehabilitation of child in need of care and protection and juvenile in conflict with law and co-ordination among the various official and non-official agencies concerned.

(2) The Central or State advisory board shall consist of such persons as the Central Government or the State Government, as the case may be, may think fit and shall include eminent social workers, representatives of voluntary organisation in the field of child welfare corporate sector, academicians, medical professionals and the concerned Department of the State Government.

(3) The District or city level inspection committee constituted under section 35 of this Act shall also function as the district or city advisory boards.

**63. Special juvenile police unit.**—(1) In order to enable the Police Officers who frequently or exclusively deal with juveniles or are primarily engaged in the prevention of juvenile crime or handling of the juvenile or children under this Act to perform their functions more effectively, they shall be specially instructed and trained.

(2) In every police station at least one officer with aptitude and appropriate training and orientation may be designated as the "juvenile or the child welfare officer" who will handle the juvenile or the child in co-ordination with the police.

(3) Special juvenile police unit, of which all police officers designated as above, to handle juveniles or children will be members, may be created in every district and city to co-ordinate and to upgrade the police treatment of the juvenile and the children.

**64. Juvenile in conflict with law undergoing sentence at commencement of this Act.**—In any area in which this Act is brought into force, the State Government or the local authority may direct that a juvenile in conflict with law who is undergoing any sentence of imprisonment at the commencement of this Act, shall, in lieu of undergoing such sentence, be sent to a special home or be kept in fit institution in such manner as the State Government or the local authority thinks fit for the remainder of the period of the sentence; and the provisions of this Act shall apply to the juvenile as if he had been ordered by the Board to be sent to such special home or institution or, as the case may be, ordered to be kept under protective care under sub-section (2) of section 16 of this Act.

**65. Procedure in respect of bonds.**—Provisions of Chapter XXXIII of the Code of Criminal Procedure, 1973 (2 of 1974) shall, as far as may be, apply to bonds taken under this Act.

**66. Delegation of powers.**—The State Government may, by the general order, direct that any power exercisable by it under this Act shall, in such circumstances and under such conditions, if any, as may be prescribed in the order, be exercisable also by an officer subordinate to that Government or the local authority.

**67. Protection of action taken in good faith.**—No suit or legal proceedings shall lie against the State Government or voluntary organisation running the home or any officer and the staff appointed in pursuance of this Act in respect of anything which in good faith done or intended to be done in pursuance of this Act or of any rules or order made thereunder.

**68. Power to make Rules.**—(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(i) the term of office of the members of the Board and the manner in which such member may resign under sub-section (4) of section 4;

(ii) the time of the meetings of the Board and the rules of procedure in regard to the transaction of business at its meeting under sub-section (1) of section 5;

(iii) the management of observation homes including the standards and various types of services to be provided by them and the circumstances in which and the manner in which, the certification of the observation home may be granted or withdrawn and such other matters as are referred to in section 8;

(iv) the management of special homes including the standards and various types of services to be provided by them and the circumstances in which and the manner in which, the certification of the special home may be granted or withdrawn and such other matters as are referred to in section 9;

(v) persons to whom any juvenile in conflict with law may be produced before the Board and the manner of sending such juvenile, to an observation home under sub-section (2) of section 10;

(vi) matter relating to removal of disqualification attaching to conviction of a juvenile under section 19;

(vii) the qualifications of the Chairperson and members, and the tenure for which they may be appointed under sub-section (3) of section 29;

(viii) the time of the meetings of the Committee and the rules of procedure in regard to the transaction of business at its meeting under sub-section (1) of section 30;

(ix) the manner of making the report to the police to the Committee and the manner of sending and entrusting the child to children's home pending the inquiry under sub-section (2) of section 32;

(x) the management of children's homes including the standards and nature of services to be provided by them, and the manner in which certification of a children's home or recognition to a voluntary organisation may be granted or withdrawn under sub-section (2) of section 34;

(xi) appointment of inspection committees for children's homes, their tenure and purposes for which inspection committees may be appointed and

such other matters as are referred to in section 35 ;

(xii) facilities to be provided by the shelter homes under sub-section (3) of section 37;

(xiii) for carrying out the scheme of foster care programme of children under sub-section (3) of section 42 ;

(xiv) for carrying out various schemes of sponsorship of children under sub-section (2) of section 43 ;

(xv) matters relating to after-care organisation under section 44 ;

(xvi) for ensuring effective linkages between various agencies for facilitating rehabilitation and social integration of the child under section 45 ;

(xvii) the purposes and the manner in which the Fund shall be administered under sub-section (3) of section 61 ;

(xviii) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by a State Government under this Act shall be laid, as soon as may be after it is made, before the Legislature of that State.

69. *Repeal and savings* (1).—The Juvenile Justice Act 1986 (53 of 1986), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Act shall be deemed to have been done or taken under the corresponding provisions of this Act.

70. *Power to remove difficulties*.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order not inconsistent with the provisions of this Act, remove the difficulty :

Provided that no such order shall be made after the expiry of the period of two year from the commencement of this Act.

(2) However, order made under the section shall be laid, as soon as may be after it is made, before each House of Parliament.

## भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

-शून्य-

अनुपरक

-शून्य-

भाग-3

गृह विभाग  
अधिसूचना  
जिमला-2, 20 सितम्बर, 2002

2. पदों की संख्या	32 (बत्तीस)
3. वर्गीकरण	वर्ग-III (अराजपत्रित) (अलिपिक वर्गीय सेवायें)।
4. वेतनमान	रुपये 5480 - 160-5800-200-7000-220+8100-275-8925.
5. चयन पद अथवा अचयन पद	अचयन पद
6. सीधी भर्ती किये जाने वाले व्यक्तियों के लिए आयु सीमा।	18 से 45 वर्ष

संख्या बी0 (बी0) 3-4/95.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, हिमाचल प्रदेश अग्निशमन सेवायें विभाग में उप-अग्निशमन अधिकारी, वर्ग-III (अराजपत्रित) पद के लिए इस अधिसूचना से संलग्न उपावन्ध "क" के अनुसार भर्ती एवं प्रोन्नति नियम बनाते हैं, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश अग्निशमन सेवायें विभाग, उप-अग्निशमन अधिकारी, वर्ग-III (अराजपत्रित) भर्ती एवं प्रोन्नति नियम, 2002 है।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे।

2. निरसन और व्यावृत्तियां—(1) इस विभाग की अधिसूचना संख्या गृह बी0 (बी0) 3-4/95, तारीख 10-5-2000 द्वारा अधिसूचित हिमाचल प्रदेश अग्निशमन सेवायें विभाग, उप-अग्निशमन अधिकारी, वर्ग-III (अराजपत्रित) भर्ती एवं प्रोन्नति नियम 2000 का निरसन किया जाता है।

(2) ऐसे निरसन के होते हुए भी उपर्युक्त उप-नियम 2 (1) के अधीन की गई कोई नियुक्ति, वात या कार्यवाई इन नियमों के अधीन विधिमन्य रूप में की गई मन्त्री जायेगी।

आदेश द्वारा,

आर0 भट्टाचार्य,  
अतिरिक्त मुख्य सचिव एवं राक्षि।

अनुबन्ध-"क"

गृह रक्षा, नागरिक सुरक्षा एवं अग्निशमन सेवायें विभाग, हिमाचल प्रदेश में उप-अग्निशमन अधिकारी, वर्ग-III (अराजपत्रित) पद के भर्ती एवं प्रोन्नति नियम

1. पद का नाम

उप-अग्निशमन अधिकारी

परन्तु सीधी भर्ती के लिए उपरोक्त आयु सीमा तदर्थ या संविदा पर नियुक्त किए गए पहले से सरकार की सेवा में नियुक्त व्यक्तियों सहित अभ्यर्थियों को लागू नहीं होगी।

परन्तु यह और कि यदि तदर्थ आधार पर नियुक्त किया गया अभ्यर्थी इस रूप में नियुक्ति की तारीख को अधिक आयु का हो गया हो तो वह तदर्थ या संविदा के आधार पर नियुक्ति के कारण विहित आयु में छूट के लिये पात्र नहीं होगा।

परन्तु यह और कि अनुसूचित जातियों/अनुसूचित जनजातियों तथा अन्य वर्गों के व्यक्तियों के लिये उच्चतम आयु सीमा में उतनी ही छूट दी जा सकेगी जितनी कि हिमाचल प्रदेश सरकार के साधारण या विशेष आदेशों के अधीन अनुज्ञ है।

परन्तु यह और भी कि पब्लिक सेक्टर नियमों तथा स्वायत्त निकायों

के सभी कर्मचारियों को, जो ऐसे पब्लिक सैक्टर निगमों तथा स्वायत्त निकायों के प्रारम्भिक गठन के समय ऐसे पब्लिक सैक्टर निगमों/स्वायत्त निकायों में आमेलन से पूर्व सरकारी कर्मचारी थे, सीधी भर्ती में आयु की सीमा में ऐसी ही रियायत दी जाएगी जैसी सरकारी कर्मचारियों को अनुज्ञेय है, किन्तु इस प्रकार की रियायत पब्लिक सैक्टर निगमों तथा स्वायत्त निकायों के ऐसे कर्मचारियों को नहीं दी जायेगी जो पश्चात्पूर्व ऐसे निगमों/स्वायत्त निकायों द्वारा नियुक्त किए गए थे/ किए गए हैं और उन पब्लिक सैक्टर निगमों/स्वायत्त निकायों के प्रारम्भिक गठन के पश्चात् ऐसे निगमों/स्वायत्त निकायों की सेवा में अन्तिम रूप से आमेलन किए गए हैं/किए गए थे।

(1) सीधी भर्ती के लिये आयु सीमा की गणना उस वर्ष के प्रथम दिवस से की जाएगी जिसमें कि पद (पदों) को यथास्थिति, आवेदन आमन्त्रित करने के लिए विज्ञापित किया जाता है या नियोजनलयों को अधिसूचित किया जाता है।

(2) अथवा सुअहित अभ्यर्थियों की दश में सीधी भर्ती के लिए आयु सीमा और अनुभव आयोग के विवेकानुसार जिनसे किया जा सकेगा।

7. सीधी भर्ती किए जाने वाले व्यक्तियों के लिए अपेक्षित न्यूनतम शैक्षणिक और अन्य अर्हताएं।

(क) अनिवार्य अर्हताएं :

(i) किसी मान्यता प्राप्त बोर्ड या विश्वविद्यालय से मैट्रिक या इसके समकक्ष या सेना विशेष प्रमाणपत्र रखता हो तथा राष्ट्रीय अग्निशमन सेवायें महाविद्यालय से उप-अग्निशमन अधिकारी का कोर्स पास किया हो,

या

इन्स्टीच्यूट आफ फायर इंजीनियरज (इण्डिया) नई दिल्ली से स्नातक हो।

(ii) ऊंचाई .. 165 सेंटीमीटर छाती .. 81 सेंटीमीटर छाती .. 86 सेंटीमीटर फुलाकर तक दृष्टि .. 6/6 (बिना ऐनक) वजन .. 50 किलोग्राम

(ख) वांछनीय अर्हताएं :

(i) विज्ञान में स्नातक हो,

(ii) हिमाचल प्रदेश की रुढ़ियों, रीतियों और बोनियों का ज्ञान और प्रदेश में विद्यमान विशिष्ट दशाओं में नियुक्ति के लिए उपयुक्तता।

8. सीधी भर्ती किए जाने वाले व्यक्तियों के लिए विहित

आयु : लागू नहीं शैक्षणिक अर्हताएं : हां

आयु और शैक्षणिक अर्हताएं प्रोन्नति की दशा में लागू होंगी या नहीं।

9. परिवीक्षा की अवधि, यदि कोई हो।

10. भर्ती की पद्धति—भर्ती सीधी होगी या प्रोन्नति या प्रतिनियुक्ति या स्थानान्तरण द्वारा और विभिन्न पद्धतियों द्वारा भरे जाने वाले पदों की प्रतिशतता।

11. प्रोन्नति, प्रतिनियुक्ति या स्थानान्तरण की दशा में श्रेणियां जिनसे प्रोन्नति, प्रतिनियुक्ति या स्थानान्तरण किया जायेगा।

दो वर्ष, जिसका एक वर्ष से अधिक ऐसी और अवधि के लिए विस्तार किया जा सकेगा जैसा कि मक्षम प्राधिकारी विशेष परिस्थितियों में और लिखित कारणों से आदेश दे।

75 प्रतिशत प्रोन्नति द्वारा, ऐसा न होने पर सैकंडमेंट आधार पर, दोनों के न होने पर सीधी भर्ती द्वारा।

25 प्रतिशत सीधी भर्ती द्वारा।

लीडिंग फायरमैन में से जिनका 3 वर्ष का नियमित सेवाकाल या ग्रेड में (31-3-1998) तक की गई लगातार तदर्थ सेवा सहित उक्त संयुक्त नियमित सेवाकाल, यदि कोई हो, प्रोन्नति द्वारा और राष्ट्रीय अग्निशमन सेवायें महाविद्यालय (नैशनल फायर सर्विज कालेज) नागपुर से उप-अग्निशमन अधिकारी का कोर्स पास किया हो, ऐसा न होने पर अन्य राज्य सरकारों/केंद्रीय सरकार/लोक उपक्रमों/नगर निगमों/नगरपालिकाओं द्वारा चलाए जाने वाले अग्निशमन केंद्रों में विद्यमान समरूप वेतनमान में, सदुप्य पद धारण करने वाले पदधारियों में से, सैकंडमेंट आधार पर :

परन्तु राष्ट्रीय अग्निशमन सेवायें महाविद्यालय (नैशनल फायर सर्विज कालेज) नागपुर में उप-अग्निशमन अधिकारी का प्रशिक्षण/कोर्स प्राप्त करने वाले लीडिंग (मुख्य) फायरमैन को सर्वथा बरीयता के आधार पर ही प्रायोजित किया जाएगा।

(1) प्रोन्नति के सभी मामलों में पद पर नियमित नियुक्ति से पूर्व सम्भरण पद में 31-3-1998 तक की गई निरन्तर तदर्थ सेवा, यदि कोई हो, प्रोन्नति के लिये इन नियमों में यथाविहित सेवाकाल के लिए, इस शर्त के अधीन रहते हुए गणना में ली जाएगी, कि सम्भरण प्रवर्ग में तदर्थ नियुक्ति/प्रोन्नति भर्ती एवं प्रोन्नति नियमों के उपबन्धों के अनुसार चयन की उचित स्वीकार्य प्रक्रिया को अनाने के पश्चात् की गई थी। परन्तु यह कि उन सभी मामलों में जिनमें कोई कनिष्ठ व्यक्ति सम्भरण पद में अपने कुल सेवाकाल (31-3-1998 तक तदर्थ आधार पर की गई तदर्थ सेवा सहित जो नियमित सेवा/नियुक्ति के अनुसरण में हो, को शामिल करके) के आधार पर उपर्युक्त निश्चित उपबन्धों के कारण विचार किए जाने का पात्र हो जाता है

वहाँ अपने-अपने प्रवर्ग/पद/काडर में उससे वरिष्ठ सभी व्यक्ति विचार किए जाने के पात्र समझे जाएंगे और विचार करने समय कनिष्ठ व्यक्ति से ऊपर रखे जाएंगे :

परन्तु उन सभी पदधारियों की, जिन पर प्रोन्नति के लिए विचार किया जाता है, की कम से कम तीन वर्ष की न्यूनतम अर्हता सेवा या पद के भर्ती एवं प्रोन्नति नियमों में विहित सेवा जो भी कम हो, होगी :

परन्तु यह और कि जहाँ कोई व्यक्ति पूर्वगामी परन्तु की अपेक्षाओं के कारण प्रोन्नति किए जाने सम्बन्धी विचार के लिए अपात्र हो जाता है, वहाँ उसने कनिष्ठ व्यक्ति भी ऐसी प्रोन्नति के विचार के लिए अपात्र समझा जाएगा/समझे जाएंगे।

**स्पष्टीकरण.**— अन्तिम परन्तु के अन्तर्गत कनिष्ठ पदधारी प्रोन्नति के लिए अपात्र नहीं समझा जाएगा/समझे जाएंगे यदि वरिष्ठ अपात्र व्यक्ति भूतपूर्व सैनिक है जिसे हिमोबिलाईज्ड आर्मेड फोर्सेज परसेनल (रिजर्वेशन आफ वर्कैन्सिज इन हिमाचल स्टेट नान-टेक्नीकल सर्विसेज) क्लज, 1972 के नियम 3 के प्रावधानों के अन्तर्गत भर्ती किया गया हो तथा इसके अन्तर्गत वरीयता लाभ दिए गए हों या जिनने ऐक्म-मविसमेंन (रिजर्वेशन आफ वर्कैन्सिज इन दी हिमाचल प्रदेश टेक्नीकल सर्विसेज) क्लज, 1985 के नियम 3 के प्रावधानों के अन्तर्गत भर्ती किया गया हो तथा इसके अन्तर्गत वरीयता लाभ दिए गए हों।

(2) इसी प्रकार स्थाईकरण के सभी मामलों में ऐसे पद पर नियुक्ति से पूर्व सम्मरण पद पर 31-3-1998 तक की गई तदर्थ सेवा, यदि कोई हो, सेवाकाल के लिए गणना में ली जाएगी, यदि ऐसे पद पर तदर्थ नियुक्ति/प्रोन्नति उचित चयन के पश्चात् और भर्ती एवं प्रोन्नति नियमों के उपबन्धों के अनुसार की गई थी :

परन्तु 31-3-1998 तक की गई उपर्युक्त निर्दिष्ट तदर्थ सेवा का गणना में लेने के पश्चात् जो स्थाईकरण होगा उसके फलस्वरूप गारन्टीयुक्त वरीयता अपरिवर्तित रहेगी।

जैसी कि सरकार द्वारा समय-समय पर गठित किया जाए।

जैसा कि विधि द्वारा अपेक्षित हो।

12. यदि विभागाध्यक्ष प्रोन्नति/सर्वांगीण विद्यमान हो तो उसकी संरचना।

13. भर्ती करने में जिन परिस्थितियों में हिमाचल प्रदेश लोक सेवा आयोग से परामर्श किया जायगा।

14. सीधी भर्ती किए जाने वाले व्यक्तियों के लिए अपेक्षा।

15. सीधी भर्ती द्वारा पद पर नियुक्ति के लिए चयन।

16. आरक्षण

18. शिथिल करने की शक्ति

किसी सेवा या पद पर नियुक्ति के लिए अभ्यर्थी का भारत का नागरिक होना अनिवार्य है।

सीधी भर्ती के मामले में पद पर नियुक्ति के लिए चयन मौखिक परीक्षा के आधार पर और यदि, यथास्थिति, हिमाचल प्रदेश लोक सेवा आयोग या अन्य भर्ती प्राधिकरण ऐसा करना आवश्यक या समीचीन समझे जो लिखित परीक्षा या व्यवहारिक परीक्षा के आधार पर किया जाएगा जिसका स्तर/पाठ्यक्रम यथास्थिति, आयोग/अन्य भर्ती प्राधिकरण द्वारा निर्धारित किया जाएगा।

उक्त सेवा में नियुक्ति, हिमाचल प्रदेश सरकार द्वारा समय-समय पर अनुसूचित जातियों/अनुसूचित जनजातियों/अन्य पिछड़े वर्गों और अन्य प्रवर्ग के व्यक्तियों के लिए सेवाओं में आरक्षण की बाबत जारी किये गये अनुदेशों के अधीन होगी।

जहाँ राज्य सरकार की यह राय हो कि ऐसा करना आवश्यक या समीचीन है, वहाँ यह कारणों को अभिलिखित करके और हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, आदेश द्वारा इन नियमों के किन्हीं उपबन्धों को किसी वर्ग या व्यक्तियों के प्रवर्ग या पदों की बाबत शिथिल कर सकेगी।

[Authoritative English text of this Department Notification No. Home-B (B) 3-4/95, dated 20-9-2002 as required under clause (3) of Article 348 of the Constitution of India].

## HOME DEPARTMENT

### NOTIFICATION

Shimla-2, the 20th September, 2002

**No. Home-B(B)3-4/95.**—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission is pleased to make the Recruitment and Promotion rules for the post of Sub-Fire Officer (Class-III, Non-Gazetted) in the Department of Fire Services, Himachal Pradesh as per Annexure-"A" attached to this Notification, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Himachal Pradesh Fire Services Department, Sub-Fire Officer (Class-III Non-Gazetted) Recruitment and Promotion Rules, 2002.

(2) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. *Repeal and savings.*—(1) The Himachal Pradesh Fire Services Department Sub-Fire Officer (Class-III, Non-Gazetted) Recruitment and Promotion Rules, 2000, notified vide this Department's notification No. Home-B(B) 3-4/95, dated 10-5-2000 are hereby repealed.

(2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the rules, so repealed under rule 2(1) *supra* shall be deemed to have been validly made, done or taken under these rules.

By order,

R. BHATTACHARYA,  
Addl. C. S.-cum-Secretary.

## ANNEXURE-"A"

**RECRUITMENT AND PROMOTION RULES FOR THE POST OF SUB-FIRE OFFICER (CLASS-III, NON GAZETTED), IN THE DEPARTMENT OF HOME GUARDS, CIVIL DEFENCE AND FIRE SERVICES, HIMACHAL PRADESH**

1. Name of the post : Sub-Fire Officer
2. Number of posts : 32 (Thirty Two)
3. Classification : Class-III (Non-Gazetted) (Non-Ministerial Services).
4. Scale of pay : Rs. 5480-160-5800-200-7000-220-8100-275-8925.

5. Whether selection post or non-selection post ? Non Selection

6. Age for direct recruitment. : Between 18 years and 45 years:

Provided that the upper age limit for direct recruits will not be applicable to the candidates already in service of the Government including those who have been appointed on *ad hoc* or on contract basis:

Provided further that if a candidate appointed on *ad hoc* basis or on contract basis had become over-age on the date when he was appointed as such he shall not be eligible for any relaxation in the prescribed age limit by virtue of his such *ad hoc* or contract appointment :

Provided further that upper age limit is relaxable for Scheduled Castes/ Scheduled Tribes/Other categories of persons to the extent permissible under the general or special order(s) of the Himachal Pradesh Government :

Provided further that the employees of all the Public Sector Corporations and Autonomous Bodies who happened to be Government servants before absorption in Public Sector Corporation / Autonomous Bodies at the time of initial constitutions of such Corporations/Autonomous Bodies shall be allowed age concession in direct recruitment as admissible to Government servants. This concession will not, however, be admissible to such staff of the Public Sector Corporations/Autonomous Bodies who were/are subsequently appointed by such Corporations / Autonomous Bodies and who are/were finally absorbed in the service of such Corporations/Autonomous Bodies after initial constitution of

the Public Sector Corporations/Autonomous Bodies.

(1) Age limit for direct recruitment will be reckoned on the first day of the year in which the post(s) is /are advertised for inviting applications or notified to the Employment Exchange or as the case may be.

(2) Age and experience in the case of direct recruitment, relaxable at the discretion of the H. P. Public Service Commission in case the candidate is otherwise well qualified.

7. Minimum educational and other qualifications required for direct recruits.

*Essential :*

- (i) Should have passed Matriculation Examination or its equivalent from a recognised Board/ University or should possess Army Special Certificate and should have qualified Sub-Fire Officer Course from the National Fire Services College Nagpur.

or

Graduate of the Institute of Fire Engineers (India) New Delhi.

- (ii) Height .. 165 cms.  
Chest .. 81 cms.  
(with expansion upto .. 86 cms.  
Eye sight .. 6/6 without glasses  
Weight .. 50 kgs.

*Desirable :*

- (i) Should be graduate in Science.
- (ii) Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.

8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of the promotees. : Age : No  
*Educational Qualification:* Yes.

9. Period of probation, if any. : Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.

10. Method of recruitment—whether by direct recruitment or by promotion, deputation, transfer and the percentage of vacancies to be filled in by various methods. : 75% by promotion, failing which on secondment basis, failing both by direct recruitment.  
25% by direct recruitment.



11. In case of recruitment by promotion, deputation, transfer, grade from which promotion/deputation transfer is to be made./

By promotion from amongst the leading Fireman who possess (three) 03 years regular service, or regular combined with continuous *ad hoc* (rendered upto 31-3-1998) service, if any in the grade and should have qualified Sub-Fire Officer Course from National Fire Services College, Nagpur, failing which on secondment basis from amongst the incumbents holding the analogous post in the identical pay scale prevailing in the Fire Stations run by the other State Govt./Central Govt./Public Undertakings/Municipal Corporations/Municipal Committees:

Provided that leading Fireman for undergoing training course in Sub-Fire Officer/course at National Fire Services College, Nagpur will be sponsored strictly in order of seniority.

(1) In all cases of promotion, the continuous *ad hoc* service rendered in the feeder post upto 31-3-1998, if any prior to the regular appointment to the post shall be taken into account towards the length of service, as prescribed in these rules for promotion subject to the condition that the *ad hoc* appointment/promotion in the feeder category had been made after following proper acceptable process of selection in accordance with the provisions of R & P Rules, provided that:—

(i) In all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including the service rendered on *ad hoc* basis upto 31-3-1998) followed by regular service/appointment in the feeder post in view of the provisions referred to above, all persons senior to him in the respective category/post/cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration:

Provided that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least three years or that prescribed in the Recruitment & Promotion Rules for the post, whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior

to him shall also be deemed to be ineligible for consideration for such promotion.

**Explanation.**—The last proviso shall not render the junior incumbents ineligible for consideration for promotion if the senior ineligible persons happened to be Ex-servicemen recruited under the provisions of Rule 3 of Demobilised Armed Forces Personnel (Reservation of Vacancies in Himachal State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provisions of rule 3 of Ex-servicemen (Reservation of vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority thereunder.

(2) Similarly, in all cases of confirmation, *ad hoc* service rendered on the feeder post upto 31-3-98, if any, prior to the regular appointment against such post shall be taken into account towards the length of service if the *ad hoc* appointment/promotion had been made after proper selection and in accordance with the provisions of the R & P Rules:

Provided that *inter-se* seniority as a result of confirmation after taking into account, *ad hoc* service rendered upto 31-3-1998 as referred to above shall remain unchanged.

12. If a Departmental Promotion Committee exists, what is its composition.

As may be constituted by the Government from time to time.

13. Circumstances under which the H.P.P.S.C. is to be consulted in making recruitment.

As required under the law

14. Essential requirement for a direct recruitment.

A candidate for appointment to any service or post must be a citizen of India.

15. Selection for appointment to the post by direct recruitment.

Selection for appointment to the post in the case of direct recruitment shall be made on the basis of viva-voce test and if the Himachal Pradesh Public Service Commission or other recruiting authority as the case may be, so consider necessary or expedient by a written test or practical test, the standard/syllabus, etc. of which will be determined by the Commission/other recruiting authority as the case may be.

16. Reservation

The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes / Scheduled

Tribes/Other Backward  
Classes/Other Categories  
of persons issued by the  
Himachal Pradesh Govern-  
ment from time to time.

reasons to be recorded in  
writing and in consultation  
with the Himachal Pradesh  
Public Service Commission,  
relax any of the provisions  
of these rules with respect  
to any of the provisions of  
these rules with respect to  
any class or category of  
persons or posts.

17. Power to relax

Where the State Govern-  
ment is of the opinion that  
it is necessary or expedient  
to do so, it may, by order for

